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THE LUTHERAN DOCTRINE OF MARRIAGE  
IN MODERN ICELANDIC SOCIETY

Thesis presented for the Degree of Doctor of Philosophy  
of the University of Edinburgh  
in the Faculty of Divinity

Edinburgh, December 1966.

Björn Björnsson





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Degree..... Ph.D. Date..... December, 1966.

Title of Thesis..... The Lutheran Doctrine of Marriage in Modern Icelandic Society.

The thesis is divided into four main parts.

I. Luther on Marriage. Marriage as a "worldly" institution is brought within the context of Luther's doctrine of the two kingdoms. This context provides the interpretative principles for the whole of his discussion. The relationship between the kingdoms is seen in terms of a dialectical tension between two realities which must neither be mixed with each other nor altogether separated. Underlying this interpretation of the relationship between the two kingdoms is Luther's doctrine of Law and Gospel and the dialectics between the two. Marriage as a worldly institution belongs to the sphere of Law experience. The Law in its usus primus, as a iustitia civilis, is embodied in civil legislation and administration. Here, the element of abusus is always at hand, which in turn calls for constructive criticism on behalf of the spiritual government. The Law in its usus secundus brings marriage close to the heart of the Gospel, inasmuch as it is first when the light from the Gospel shines upon the intensive personal relationship, congenial to marriage, that the true character of this institution is revealed. Marriage is accordingly ein Stand des Glaubens in a very real sense. Its use and misuse are utterly dependent upon the presence or absence of faith. People may be legally married according to Luther without the presence of faith, ehlich seyn, but that is something altogether different from recognizing the true meaning of this institution, ehlich leben erkennen.

II. Historical survey concerning the institution of marriage in pre- and post-Reformation Iceland, which reveals how a secularized form of marriage comes into being through the separation of the two kingdoms on the sphere of marital affairs. This development is initiated by "Reformed" legislation, and has the full support of the official representatives of the spiritual kingdom, the Church and the Clergy. The significant role played by the institution of engagement comes to the fore.

III. A sociological study of marriage and the family in a contemporary Icelandic community. The exceptionally high rates of illegitimacy prompt us to approach the field of inquiry by relating the incidence of illegitimacy to the existent patterns of family organization. Three basic types of family systems emerge, "the engagement family", "the cohabitation family", and "the marriage family". The constitution of marriage is explained in sociological terms as providing a ceremonialized context for the transition from the social stage of adolescence into the stage of adult membership in the social system.

IV. Towards a theological approach to social issues. A theological reading of the data revealed by the sociological inquiry shows that the institutions of engagement and marriage are characterised by a consistent separation between the spiritual and worldly kingdoms, between church and society. In view of this fact priority is given to the question whether this separation can be justified on theological grounds, and this question directs the centre of attention upon the relationship between iustitia christiana and iustitia civilis. At the same time the question as to the adequacy of the doctrine of the two kingdoms in presenting in nuce the principles for Christian social ethics is thrown wide open. The failure of this doctrine to provide a satisfactory reading of the relation between iustitia christiana and iustitia civilis leads us to affirm that the two kingdoms doctrine cannot be maintained as presenting the proper context for a theological approach to the social order. The alternative is presented as being the biblical confession of the Lordship of Jesus Christ, and some implications of this confession for the structure of Christian social ethics are drawn. - The thesis concludes by outlining some of the practical points concerning marriage which would have to be considered, once the necessity for the shift from a thinking in terms of the two kingdoms to the christological confession has been accepted.

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## Preface

The present study on "The Lutheran Doctrine of Marriage in Modern Icelandic Society" was prompted by our concern for a theological approach to the question of marriage and the family in contemporary Icelandic society. This concern in turn originated from an awareness of somewhat unusual patterns of family organization in this particular society, the elaboration of which occupies the central part of our study. We realized at the outset that our task called for a sociological study of its own, and the thesis accordingly proceeded as a joint undertaking in the fields of Social Anthropology and Theology. The grounds for this procedure, however, were seen to be theological through and through, and in keeping with a specific position in Christian social ethics which is developed in the final part of the thesis.

From the time of the Reformation Iceland has been a Lutheran nation, fostering a National Lutheran Church. In view of this fact we saw it necessary to relate our subject to the historical background of Luther's teaching on marriage, and to follow this up by a historical survey which was meant to trace the development relating to marriage in post-Reformation Iceland.

Our thesis falls naturally into four main parts. These parts are independent to a considerable extent, but there is one fundamental thread of unity which prevents them from ever falling apart completely. This basis for unity is established in the first part by deciding to discuss Luther's teaching on marriage within the context of his doctrine of the two kingdoms. This doctrinal context, which presents Luther's basic principles of Christian social ethics, leads the discussion from Luther himself into the historical survey, provides the theological framework against which the find-



ings of the sociological inquiry are interpreted, and finally it is this doctrinal context which is put to the test in the search for a theological approach to social issues which concludes the thesis.

At the close of my study I would like to express deep gratitude to my supervisors, Professor Thomas F. Torrance of New College and Professor Kenneth L. Little of the Department of Social Anthropology. Also I would like to place on record my gratitude to the late Professor William S. Tindal who until the time of his lamented death was one of my supervisors.

Edinburgh, October 1966.

Björn Björnsson

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## I. Luther on Marriage.

Luther does not present us with a full-fledged doctrine of marriage. At the beginning of his treatise "Von Ehesachen" (1530) he quite emphatically expresses his wish, that he would much prefer not to be bothered with matters of this kind<sup>1</sup>. But repeatedly his guidance was sought on problems and questions concerning marriage, and he could not easily ignore them as in the end he knew himself to be somewhat responsible for their pressing urgency. His writings on matrimonial matters reflect this state of affairs; they are occasioned by some particular problems in the church<sup>2</sup>, that was undergoing such a radical transformation, and as these problems varied greatly so the instruction offered by Luther took various forms, some of which might sometimes seem contradictory.

This being the nature of the source-material for our immediate study, it would seem to be of considerable importance if the occasional sayings of Luther on marriage could be seen within a wider context. This is what we propose to do, and the context we have chosen as representing Luther's basic principles of Christian social ethics is his doctrine of the two kingdoms. The comprehensive character of this doctrine as well as its implications for the relation between the Gospel and the social institutions are very well expressed by G. Törnvall in the following words: "In his doctrine of the two kingdoms Luther is therefore able to summarize everything he, from a Christian point of view, is prepared to say about the world as a creation of God, together with the relationship between the Gospel and the social orders within the world."<sup>3</sup> As a further support for the suggestion, that this

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1 WA30, III, 205.

2 Cf. Olavi Lahteenmäki: *Sexus und Ehe bei Luther*, Turku 1955, p. 18.

3 G. Törnvall: *Spiritual and Earthly Kingdom by Luther*, (orig. Swedish), Lund 1940, pp. IX-X. Cf. also Lahteenmäki: "So finden wir bei Luther alles, was sich auf die Ehe als eine soziale Einrichtung bezieht, in der ein Mensch in Berührung mit andern Menschen tritt, aufgelegt an seine Lehre von den Regimenten, insbesondere an seine Auffassungen vom weltlichen Regiment". - Op. cit., p. 127.



doctrine provides the proper context for Luther's teaching on marriage, it is indeed possible to quote his own words which point in this very direction. He speaks of marriage as "ein eusserlich weltlich ding"<sup>1</sup>, thus placing it under the authority of the earthly government. Marriage is "ein werck odder stand ... den Gott geboten und yn weltlich oberkeit gefasset hat"<sup>2</sup>. Or in seemingly contradictory terms, marriage belongs to the spiritual kingdom, cf.: "Widderumb der ehestand eyn rechter hymlicher, geystlicher und göttlicher stand ..."<sup>3</sup>. Luther also occasionally refers to not two but three kingdoms, the third being "Hausregiment" or "oeconomia"<sup>4</sup>. To this third kingdom he ascribes matters concerning marriage and the family. But as a rule there are only two kingdoms. "Oeconomia" and "politia" become one, the earthly kingdom. "Also sind nu zweyerley regiment auff der welt"<sup>5</sup>.

Even though we do not intend to deal with Luther's doctrine of the two kingdoms in particular, we are convinced, that within its context some of the most important features of his teaching on marriage can achieve their full significance. We will see that the two kingdoms doctrine implies an understanding of Creation which makes the created world (the material world) intrinsically good, thus making sexual relationship good and pleasing to God per se. At the same time this doctrine indicates that a conflict is going on between God and the Devil at the level of both the kingdoms, and the institution of marriage is one of the tools employed by God in this conflict, admitting that human misuse is an ever-present reality in a fallen world.

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1 WA30, III, 205.

2 WA30, III, 23 (Italics ours).

3 WA12, 107.

4 See G. Tornvall, op. cit., p. 30. Normally Luther did not speak in terms of three kingdoms but of three Hierarchies, viz. ecclesia, politia, oeconomia. Cf. E. Wolf: Politia Christi, in Peregrinatio, München 1954, p. 232. See also: F.E. Cranz: An essay on the Development of Luther's Thought on Justice, Law, and Society. Harvard Theological Studies XIX, Cambridge 1959, p. 173.

5 WA12, 330.

Finally, the doctrine of the two kingdoms is closely related to another central doctrine in Luther's theology, viz. the Law-Gospel dialectic. We believe that first when Luther's teaching on marriage has been accorded its proper place within this dialectical relationship, will the most important features of his teaching emerge.



## A. Sexuality and Sin

### I.

G. Tornvall in his book we mentioned strongly emphasizes the fact, that the doctrine of the two kingdoms implies a very positive attitude towards Creation. God rules the world in the shape of the spiritual and earthly kingdoms, and the scope of the kingdoms is of such a scale that no part of Creation falls outside their reach. "Thus we consistently find, even when considering the earthly kingdom, the same strong emphasis upon God's presence in Creation. The relationship with God is not limited to the spiritual kingdom but reaches out over the whole of the created world."<sup>1</sup> Luther expresses this attitude to Creation in his words on "larvae Dei": "Ideo universa creatura est eius larva"<sup>2</sup>, cf. also Philip S. Watson: "The whole created world, then, as Luther sees it, occupies a kind of mediatorial position between God and man ... The creatures, therefore, are not to be set aside in a quest for God, so to say, behind the scenes, for they may rather be said to represent Him on the stage, where He Himself in fact plays the principal part."<sup>3</sup> Our relationship with God must therefore inevitably be placed within the limits of both kingdoms, and not solely within the spiritual one, and Revelation itself always takes the form of the two kingdoms according to Luther<sup>4</sup>.

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1 G. Tornvall, op. cit., p. 7.

2 WALDO, I, 174.

3 Let God be God, London 1947, p. 79.

4 See Tornvall, op. cit., p. 26. Tornvall makes an interesting point in this connection when comparing Luther's two kingdoms doctrine with a "Theologie der Ordnungen" which does not count the Church as one of the "orders". This type of theology refers to a superior kind of revelation within the Church, whereas an inferior knowledge is ascribed to the "orders". Luther on the other hand sees the Word incarnate always in the shape of both kingdoms so that there is no basis for a comparison such as the "theology of the orders" makes. Cf. also G. Hillerdal; "Sobald Luther das Thema der Herrschaft Gottes in systematischer Form behandelt, spricht er übereinstimmend mit seiner christologischen Ausschauung von zwei Regimenten, durch die die Menschen regiert werden". Gehorsam gegen Gott und Menschen, Göttingen 1955, p. 22. (Italics ours).

This positive attitude of Luther to Creation was in sharp contrast to the Scholastic teaching of his time. By the Scholastics the matter-spirit dualism tended to draw the attention away from the material world towards a divinity, whose realm is the spiritual, immaterial world<sup>1</sup>. Sin accordingly was confined to the level of the material and the road of Redemption was supposed to lead away from everything that is created.

Ideas of this kind had already influenced the formation of the Church's attitude to sexual relationship and marriage for a long time<sup>2</sup>. Augustine had taught, that original sin as "concupiscentia" was pre-eminently attached to the sexual act<sup>3</sup>, and ever since this act was "a source of theological embarrassment"<sup>4</sup>, in varying degrees admittedly. D.S. Bailey shows what an important part this teaching of Augustine played in the final settlement of the controversial issue, as to at what stage in the matrimonial process a legal marriage had been established. The discussions of theologians and canonists had centred around the point, whether coitus was the constituting factor and therefore, by definition, the sacramental factor. This suggestion was rejected and the principle accepted, that "consensus facit matrimonium"<sup>5</sup>. D.S. Bailey remarks on this settlement, that "underlying was an emotional attitude favourable to any conception of wedlock which minimized the importance of coitus"<sup>6</sup>.

The close association of Sin with sexuality is of course clearly to be seen behind the ideal of celibacy. This ideal is very well demonstrated in the following comparison frequently made by the Fathers, in which the rela-

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1 See G. Tornvall, op. cit., p. 29.

2 See Derrick Sherwin Bailey: *The Man-Woman Relation in Christian Thought*, London 1959, pp. 103 ff.

3 Ibid, p. 52.

4 Ibid, p. 133.

5 Ibid, p. 131.

6 Ibid, p. 133.

tive value of the married and unmarried states is indicated: if the wedded state produces a thirty-fold, then, widowhood produces a sixty-fold, but it is virginity that produces the hundred-fold<sup>1</sup>. According to this scheme monasticism was the "road to heaven par excellence"<sup>2</sup>.

Luther reacts against this depreciation of marriage for more than one reason. First, by depreciating marriage the intrinsic goodness of God's creation is being questioned. In reference to Gen. 1:27 Luther remarks: "Auss dem spruch sind wyr gewiss, dass gott die menschen ynn die tzwey teyll geteylet hatt, das es man und weyb odder eyn He und Sie seyn soll. Und das hatt yhm also gefallen, das erss selbs eyn gutt geschopffe nennet"<sup>3</sup>. Luther recognizes as one of the chief faults of the Scholastics, that they simply do not understand what Creation means<sup>4</sup>. In his doctrine of the two kingdoms he sets forth the view, that God is actively present in all the institutions and vocations of the earthly kingdom<sup>5</sup> and then also in the institution of matrimony.

Secondly, and in close relation to the first, Luther accuses the Scholastics that they do not know how to "distinguere inter peccatum originale et creaturam"<sup>6</sup>. Sin cannot be confined to the level of Creation, nor to the sexual desire per se<sup>7</sup>. "Concupiscentia" according to Luther is not to be limited to the sphere of the physical, as it primarily refers to the evil inclinations of the heart, which express themselves in the turning away from God. Concupiscence, then, is above all unbelief. In unbelief it is the

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1 Ibid, p. 24.

2 Roland Bainton: Here I Stand, New York 1963 (Tenth Printing), p. 24.

3 WALO, II, 275.

4 Cf. G. Tornvall, op. cit., p. 61.

5 Ibid, p. 5.

6 WA42, 176; cf. Olav Sundby: The Lutheran doctrine of Marriage, (orig. Swedish), Lund 1959, p. 21.

7 Cf. Lähteenmäki: "Luther lässt also die Sünde nicht ohne weiteres in Stoff, Leib und Sexualität aufgehen". Op. cit., p. 48.

whole man in the totality of his actions and thinking who turns away from God, and in this man there is nothing that remains unaffected. "Sed peccatum originale est vere totus lapsus naturae humanae"<sup>1</sup>. This totality-understanding of Sin, which characterizes Luther's anthropology, has its origin in a new interpretation of Redemption. It has become impossible to conceive of Redemption in terms of a salvation of the soul from the bondage of the body, like the matter-spirit dualism seems to be bound to do. Redemption must mean the salvation of sinful man, who is "totus peccator", from the powers of Evil, making him "totum justum", body, soul and spirit. No aspect of human existence can therefore be excluded from the bondage of Sin - not even the monk's cell -, but similarly the scope of Redemption is enlarged.

Thirdly, Luther opposes the virginity ideal on the ground of his basic conviction, that the sinner is justified through faith and not through self-chosen works. His own experience had taught Luther, that monasticism was directed towards the acquisition of "merita" before God through works, and principal among these works he recognized the vows of celibacy. "Das Klosterleben bedeutete Werkgerechtigkeit"<sup>2</sup>, in view of which one is not surprised to find Luther's judgment upon this life hard and uncompromising. The Church which had been entrusted with the good news about the freedom of man in Christ deformed this message by associating it with the bondage of monasticism, - thus ascribing to man the work that God had already done in Jesus Christ.

Hand in hand with this main protest of Luther against the monastic ideal, that it means righteousness through works, there is another which we will

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1 WA42, 86.

2 O. Sundby, op. cit., p. 306.

just mention in passing. Monasticism, and with it celibacy, is contrary to the very nature of Christian faith, which, according to Luther, is "faith active in love"<sup>1</sup>. Faith, therefore, is directed outwards into the sphere of human relations in order to find there the object for its expression in love<sup>2</sup>. Monasticism on the other hand means withdrawal from this very sphere, thus turning man into himself in egocentric self-concern.

In summarizing what we have been saying so far, it looks as if Luther's positive attitude to sex and marriage may in a preliminary fashion be said to be grounded on two fundamental elements of his theology. The first concerns the intrinsic goodness of God's Creation. This element cleanses the material world, and thereby the physical, of an alleged taint, and excludes at the same time any notion of merit, because any good work done at this level is but elaboration of the goodness of God's Creation, - "soli Deo gloria".

The second element, which in a rather opposite way determines Luther's positive attitude to sex and marriage, is his radical understanding of the nature of Sin. By transferring "concupiscentia" from sexuality to the centre of the will Luther did not of course mean to leave the impression that sexuality was free from Sin. We will have ample opportunity to see that he did not even make this transfer complete in the first place. But in comparison with the virtual identification of Sin and sexuality which he opposed, Luther's own understanding of concupiscentia meant a definite liberation of sexuality from the heavy burden of Sin which it had been made to carry.

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1 See George W. Forell: *Faith Active in Love*, New York 1954, *passim*.

2 Cf. Lähteenmäki: "Luther hatte erkannt, dass das Zölibat nicht nur irgeleitete Frömmigkeit war, sondern auch Flucht vor Verantwortung und vor Pflichten, die für diese Menschen zu einer Kreuzigung des eigenen Fleisches in den vielerlei Aufgaben der Ehe geworden wären". - *Op. cit.*, p. 41.



II.

We have now seen, how Luther makes an effort to raise the institution of marriage from the inferior position ascribed to it in the traditional teaching of the Church. By placing this institution within the limits of the two kingdoms and indeed by making it one of the constituents of the earthly kingdom he confirmed his teaching, that marriage is an institution pleasing to God and not to be scorned<sup>1</sup>. But this relation of marriage to the doctrine of the two kingdoms carries with it more implications than the God-given integrity of the former. By definition the two kingdoms doctrine anticipates the existence of Evil; it explains how God rules the world in conflict with the powers of disruption and destruction. "Regnum diaboli" is the *raison d'être* for God's ruling the world as He does, through the two kingdoms<sup>2</sup>. As far as the institution of marriage is concerned this motif of conflict against the powers of Evil is quite prominent and influences Luther's whole interpretation of marriage. We now have in mind, first, to look into what role Luther allocates to marriage in this conflict. And secondly, we will draw attention to how the powers of Evil cause the institution of marriage to be misused, bearing in mind that misuse, "abusus" is an element inseparable from Luther's doctrine of the two kingdoms<sup>3</sup>.

(a) In his treatise "Vom ehelichen Leben" (1522) Luther makes the following remarks about marriage, after having praised it as an institution pleasing to God: "Aber mit alle dissem preyss des ehlichen lebens will ich nicht der natur geben haben, das keyn sunde da sey, ssondern ich sage, das fleysch und blutt, durch Adam verderbt, ynn sunden empfangen und geporn wird, lautts der

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1 Cf. Luther: "Darumb sie auch gewiss sind, das yhm der stand an yhn selbs gefellet" - WALO, II, 294.

2 Cf. O. Sundby, *op. cit.*, p. 16.

3 Cf. G. Törnvall, *op. cit.* p. XIII and pp. 216 ff.; Luther's words: "Omnia bona, sed sunt in abusu" WA40, II, 203, express this point well.

50. psalm, Und das keyn ehepflicht on sund geschicht"<sup>1</sup>. In these words one easily recognizes those aspects of Luther's doctrine of marriage, which sound the most disturbing to interpreters of Luther in our own days. These aspects are closely related to Luther's views on the sexual desire, but these views in turn inevitably helped to create some of the most controversial elements in his teaching on sexual morality. What these elements are we will mention in due course.

Luther sees the sexual desire as a biological necessity which must be taken care of just like the basic needs for food and drink. "Dass ein Mann ein Weib und ein Weib einen Mann haben muss, ist nicht unsere frei Willkur, sondern notiger denn essen und trinken, schlafen und wachen. Es ist die uns eingepflanzte Natur ..." <sup>2</sup>. God has created man and woman endowed with this desire in order that they may fulfill His command to be fruitful and multiply (Gen 1:28). When it is remembered, how irresistible Luther considered the sexual desire to be and that it serves God's purpose in Creation as well, it becomes small wonder how fiercely he attacks the practice of celibatic vows. "Gelobnisse vollkommener Reinheit (i.e. völlige geschlechtliche Enthaltung) sind nach Luthers Ansicht gleich Gelobnisse, dem Petrus gleich zu werden, das Turkenreich zu zerstören oder so alt wie Methusalem zu werden" <sup>3</sup>. Luther grants that there are exceptions from the rule, those who have received the extraordinary vocation from God to live in the state of virginity. But these exceptions are extremely rare, one in a thousand, those only who fall within the three categories mentioned in Mt. 19:12. And in no way is their condition holier than of those who live in marriage. It

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1 WALO, II, 304.

2 Quoted by K. Lögstrup: Die Ethische Forderung, Tübingen 1959, p. 82.

3 O. Lähteenmäki, op. cit., p. 33.

is through the grace of God alone that they are able to lead this kind of life in perfect continence. Luther does not, however, conceal his belief, that the unmarried life is much to be desired. Not because it carries with it any merits before God, but for the following reasons alone: "Keuscheyt standt ist wol besser auff erden, als der weniger sorge unde muhe hatt und nicht umb seyn selbs willen, sondern dass er bass predigen und gottis worts warthen kan"<sup>1</sup>.

As we have already seen, the notion that "concupiscentia" is in a particular close relation with the sexual desire had established itself within the tradition of the Church. Luther rejects the limitation of "concupiscentia" in this way and replaces it with his understanding of human nature and Sin in their totality. But words like those we quoted in the beginning of this section, that "no conjugal duty is fulfilled without Sin"<sup>2</sup> and others of similar character, give one reason to doubt if he ever freed himself completely from the ascetic interpretation of sexuality. D.S. Bailey, for one, does not think he did and talks about "Luther's conservatism and his conventional and fundamentally defective attitude to physical sexuality"<sup>3</sup>. There seems to be no doubt, however, that the sexual desire per se is good according to Luther, a biological necessity which has its ordered place in God's scheme of things. But after the Fall this part of human existence has become involved in the destructive power of Sin like any other part. It is the nature of this involvement that we must now consider and thereby it should become clear, if the criticism of D.S. Bailey, K. Lögstrup a. o. is justified.

In accordance with Luther's totality interpretation of Sin and Redemption

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1 WALO, II, 302; cf. Lähteenmäki, op. cit. p. 38.

2 See the previous page.

3 Op. cit., p. 170; cf. also K. Lögstrup, op. cit., p. 83.



one would expect his judgment upon man's sexuality to be dependent upon, whether he was seen to stand under grace or not. If a person is in the right relationship with God, i.e. in faith, it necessarily follows that all the human relations of that person - sexual relations not excluded - reflect the primary relation to God. In unbelief on the other hand egocentricity dominates all personal relationships, and again sexual relationships are not excluded. O. Sundby believes, that somewhat on these lines one must seek to understand how Luther relates Sin to sexuality, and first when one starts from this basic understanding, is it possible to see his controversial remarks about marriage as a "remedium" and "spitall der siechen" in true perspective<sup>1</sup>. We are, however, of the opinion, that Sundby's effort to get rid of the most controversial elements of Luther's sex ethics in this way does not do justice to all the facts involved.

The sexual desire in "status integritatis" was good, but as it now appears it bears the marks of Sin, which are passion and lust. Luther compares the sexual relations of Adam and Eve in Paradise, which were impassionate, to those after the Fall, which are tainted with lust. "Was ursprünglich ehrenhaft und gut gewesen sei, das sei nunmehr nach dem Sündenfall durch fleischliche Begierde und satanisches Gift besudelt"<sup>2</sup>. Luther stigmatizes the sexual desire in this sinful form as "libido". "Die reine Liebe, purus amor, habe sich in abscheuliche Begierde, laeda libido, gewandelt"<sup>3</sup>. Such being the case, then, that the irresistible power of the sexual desire has come under the dominion of Sin, Luther becomes convinced, that fully chaotic personal relations could be the only result if God did not continually intervene. And this He does through the institution of marriage.

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1 O. Sundby, op. cit., pp. 23 ff.

2 O. Lähteenmäki, op. cit., p. 45.

3 Ibid, p. 45.

The function that Luther ascribes to marriage in this respect seems to be twofold.

(1) Marriage as a social and legal institution is eminently qualified for channelling the antisocial and egocentric attitudes of those concerned into an increased service to and consideration for other people. The husband has duties and obligations towards his wife and vice versa, and in common they share mutual duties and responsibilities towards their children. This function of marriage, it is important to notice, cannot be said to be directed towards the sexual desire in particular, tainted as it is with Sin. Rather, this function is to be seen as being in full keeping with Luther's totality understanding of Sin, as it is meant to counteract the fault which lies at the centre of the whole personality of the sinner, viz. egocentricity. Like we saw, O. Sundby makes an effort to prove, that this in fact is the only function Luther ascribes to marriage as against Sin, and that, therefore, we should interpret the "remedy principle" accordingly.

(2) But no matter how much one would like to believe that Sundby was right, it seems impossible to escape the fact, that Luther clearly thinks that marriage has a further exclusive role to play in dealing with the peculiar characteristics of the sexual desire. Words like the following: "Denn wo die natur gehet, wie sie von Gott eingepflanzt ist, ist es nicht möglich ausser der Ehe keusch zubleiben"<sup>1</sup>, indicate, that the totality understanding of Sin and Redemption has been broken. It is not enough to be in the right relationship with God, "justus", and, by definition, theocentric. There is one part of human existence which seemingly does not come within the scope of Redemption and needs, therefore, a special sanctification. This part is the sexual desire. "Der Geschlechtstrieb erhalt seine Heiligung auf ganz

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1 WA30, I, 162; cf. also: "Eyn iglicher habe seyn weyb umb der hurerey willen" WA12, 104.

andere Weise als durch Enthaltung und Askese. Er wird geheiligt durch die Aufgaben, die Mann und Weib zur Gemeinschaft in der Ehe zusammenschliessen"<sup>1</sup>. The sexual desire must be sanctified apart from the sanctification which has taken place through the Justification. This special sanctification takes place through the proper ends of marriage<sup>2</sup>, in this respect especially through the generation of new life. But even though Luther maintains, that "der Geschlechtsverkehr in der Ehe kein Sünde sei"<sup>3</sup>, granted the proper end of this act is recognized, he is not willing to accept the characteristic ways in which the sexual desire expresses itself. On the contrary "hat er klar herausgestellt, wie mit den sexuellen Akten Sünde verbunden sein kann, da Begierden und Gelüste noch in der Ehe fortbestehen. Von ihnen kann auch die Trauung nicht befreien"<sup>4</sup>. Luther, therefore, clearly associates Sin with the characteristics of the sexual desire<sup>5</sup> and he looks upon the institution of marriage as the only means for dealing with sinfulness of this kind, admitting, however, that even marriage may fail in this respect. It is in this context, then, that one must seek to understand his talk about marriage as a remedy. If marriage is a "hospital for the sick", then the "sick" are, according to Luther, suffering from "die abscheuliche Begierde, laeda libido". "Sie (i.e. marriage) ist Schutz, Arznei, remidium gegen die unsteten Begierden, adversus libidines"<sup>6</sup>.

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1 O. Lähteenmäki, op. cit., p. 43.

2 Cf. K. Lögstrup: "Da es nicht in Luthers Blickfeld liegt, dass der Mensch selbst der Sexualität ihre Gestaltung verleiht, erteilt er diese Aufgabe der Ehe als Institution". Op. cit., p. 84 (Italics ours).

3 Lähteenmäki, op. cit., p. 49.

4 Ibid, pp. 49-50; cf. also D.S. Bailey: "This attitude, which extends even to the lawful venereal desires and acts of husband and wife, colours Luther's notion of wedlock". Op. cit., p. 171.

5 Cf. K. Lögstrup: "Infolgedessen fehlt ihm auch der Sinn dafür, dass zwischen der Unbezwingbarkeit des Geschlechtstriebes und seiner egoistischen Gestaltung unterschieden werden muss. Die Unbezwingbarkeit ist für ihn Selbstsucht". Op. cit., p. 83-84.

6 Lähteenmäki, op. cit., p. 57.

We have now briefly discussed the twofold function which Luther ascribes to marriage within the scope of God's rule over human relations. The former was the more general one, directed towards the egocentricity of man and woman entering the institution of marriage. The latter function was the more specific, related to the sexual desire in particular. It is this latter which has been brought under heavy criticism, for instance by D.S. Bailey, who, as we saw, refers to it as "Luther's fundamentally defective attitude to physical sexuality"<sup>1</sup>. And it is this function as well that O. Sundby makes an effort to subordinate completely under the former, an effort that by itself indicates, that he also believes there is something "fundamentally defective" with this aspect of Luther's teaching. This belief is indeed not surprising, as it will be appreciated, that all the most controversial elements in Luther's sex ethics can be directly traced to those ideas about sex and marriage that are implied in the "remedy-principle". A few examples will illustrate this point. The position of women is circumscribed in purely passive terms as being for the most part necessitated through the uncontrollable nature of the sexual desire, cf.: "Nunc etiam est (mulier) et pro maiore parte remidium et medicina"<sup>2</sup>. Luther recommends that people should marry young<sup>3</sup> as he recognizes that the sexual desire is strongest at that period. He acknowledges impotence as a ground for divorce, clearly implying, that it is impossible for the healthy person in such a marriage to remain faithful. Remarriage of the innocent party is for the same reasons a matter of course for Luther<sup>4</sup>. He even goes so far as to advise a woman,

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1 See supra, p.11.

2 WA42, 89; cf. also D.S. Bailey: "Luther ... saw woman chiefly as a bearer of children and a divinely appointed means of venereal relief for the mate". Op. cit., p. 173.

3 WALO, II, 299.

4 Cf. L. Zarncke: "Rücksichtnahme auf die Forderung der Natur ist es auch die den Reformator dazu bestimmt, eine neue Eheschliessung für Geschiedene ins Auge zu fallen". Luthers Stellung zu Ehescheidung und Mehrehe, Zeitschrift für systematische Theologie, XII, 1, 1934, pp. 107-108.

who has "einen sexuell unfähigen" husband, to have an affair with another, with the husband's consent<sup>1</sup>. Finally, it is most probable, that "Luther's fundamentally defective attitude to physical sexuality" determined to a large degree his much debated consent to the bigamy of Philip of Hesse<sup>2</sup>.

(b) In the preceding section we were discussing what role Luther allocates to the institution of marriage in the conflict against the powers of Evil. Marriage was seen to be in this effect as one of the constituent parts of the earthly kingdom. But, as we mentioned before<sup>3</sup>, one of the determinant factors of Luther's doctrine of the two kingdoms is his conviction, that both kingdoms are very much liable to misuse. The institution of marriage is certainly no exception in this respect, and for Luther there is no question of naive optimism, far removed from the realities of life, as far as this institution is concerned. Luther describes the true purpose, and thereby the appropriate use, of any and every institution or vocation in the following terms: "Omnes status huc tendunt, ut aliis serviant"<sup>4</sup>. Thus it is the nature of any "station" in life to be helpful to others, if it be followed<sup>5</sup>. The question of righteousness through works does not arise at all in this instance, as it is the "station" itself that is responsible for any good work it encourages<sup>6</sup>.

In general terms misuse of the institution of marriage consists in failure to serve one's neighbour who in this case is primarily represented by one's spouse together with children. It will be understood, that "abusus"

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1 WA6, 558; cf. Lähteenmäki, op. cit., p. 73.

2 See Lähteenmäki, op. cit. p. 89; also L. Zarncke, op. cit., p. 113.

3 See supra, p. 9, and note 3.

4 WA15, 625.

5 Cf. Gustaf Wingren: The Christian's Calling, Edinburgh and London, 1958, p. 4.

6 Ibid, p. 6.



within these limits may appear in a great variety of forms. Negligence of the mutual duties and obligations that married life carries with it, such as faithfulness, the conjugal duty, but also the bringing up of children in faith in God, are all separate forms of misuse. As the procreation and bringing up of children is such a central element in Luther's definition of marriage, he can only look upon efforts to prevent conception as a serious misuse of marriage<sup>1</sup>. The most serious misuse, however, is revealed through such circumstances as make divorce inevitable. When that happens, the bond, which God intends to be of life-long duration, has been broken, and the mutual relationship of love between the spouses<sup>2</sup>, essential to marriage, has come to an abrupt end.

From the above it has become clear how important it is to be able to decide, what the proper use of the institution of marriage involves as well as what, for Luther, constitutes the basis for making such a decision<sup>3</sup>. We intend to discuss these matters in a later section where they can be seen in a more appropriate context.

With this general background on sexuality and Sin we now turn to the more specific questions as to what, according to Luther, constitutes a legal marriage, as well as for what reasons he believes it should be dissolved.

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- 1 Cf. Sundby, op. cit., p. 88. Luther defines marriage in the following terms: "Coniugum est divina et legitima coniunctio maris et foeminae spe prolis, vel saltem vitandae fornicationis et peccati causa ad gloriam Dei". WA43, 310.
  - 2 Love, here, in the meaning of "neighbour-love"; see infra, p. 43-44.
  - 3 "Es ist gar viel eyn ander ding, Ehlich seyn und ehlich leben erkennen". WA10, II, 294.

## B. Marriage and Divorce

### I. Marriage.

Luther's emphasis upon the worldliness of the institution of marriage (i.e. as belonging to the earthly kingdom) is made quite clear as soon as he discusses the practical aspects concerning the constitution and dissolution of marriage. It is the duty of the civil authorities to introduce laws on those matters and see to it, that such laws are respected as well as to punish those who trespass against them. The ministers of the Church should, on the other hand, have as little dealings with these practicalities as possible. "Denn nach weil die hochzeit und ehestand ein weltlich geschefft ist, geburt uns geistlichen odder Kirchendienern nichts darynn zu ordenen odder regiern"<sup>1</sup>.

In these words, which so strongly emphasize the worldliness of marriage, one may recognize Luther's reaction to the matrimonial doctrine of the Roman Church, the sacramentalism of which made the institution of marriage primarily an ecclesiastical institution, ordered by canon law. Luther was convinced, that this doctrine had caused disorder and confusion in the very sphere of life where God intended the institution of marriage to uphold order. Among the disorderly elements in the Roman Catholic doctrine of marriage Luther saw the regulation about the forbidden degrees, the recognition of secret engagements and the peculiar ways in which marriage could be annulled<sup>2</sup>. Luther knew from his experience as a confessor how extremely serious personal problems were caused by such practices, and he believed that they ultimately stemmed from the one basic error, which is the root of all disorder, to mix

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1 WA30, III, 74.

2 See "The Babylonian Captivity of the Church", Luther's Works, Philadelphia 1959, Vol. 36, pp. 92-106.

the two kingdoms, "confusio regnorum".

The institution of marriage participates in God's conflict against the disruptive powers of Evil and the distinctive features of this conflict provide one of the basic reasons why Luther insists that marriage belong to the earthly kingdom. In order that the institution of marriage be able to play its role properly in a fallen world, it may prove inescapable to make use of methods which are in absolute contrast to those of the spiritual kingdom. This includes the use of physical force, even the execution of death sentence in the case of a person who has committed adultery<sup>1</sup>.

Another aspect of the worldliness of the institution of marriage is the role allocated to parents in the constitution of marriage<sup>2</sup>. This aspect does not appear in anything like so violent forms as the first. It serves, however, the same purposes, to uphold order on this particular sphere of human relations. Luther was convinced, that secret engagements often resulted in confusion and misery, especially for the female party concerned. Against this practice he therefore claimed, that engagements and marriages, entered into without the knowledge and consent of parents, were to be considered as having no force<sup>3</sup>. It is the Word of God that unites man and wife, and in this case the Word is inseparable from the fourth commandment: Honour your father and your mother<sup>4</sup>. The participation of the parents in the constitution of marriage makes certain, that the whole process becomes public, but as we will see, Luther considered publicity of fundamental importance in establishing the legality of marriage. He was well aware, however, that parents sometimes misuse the authority given to them, in which case they should be deprived of it. Nobody should be forced against his will to enter

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1 Cf. Lahteenmäki, op. cit., p. 124.

2 Ibid, p. 113.

3 Ibid, pp. 102 ff.

4 WA30, III, 214.



marriage. Luther furthermore thoroughly disliked marriage arrangements which were made by parents more in terms of the financial advantage to be gained therefrom, rather than considering the welfare of their children. Still worse faults were committed by those parents who prevented their children to marry in order to keep them in the household as valuable labour power. In cases like these Luther wanted the civil authorities to intervene for the benefits of the young people concerned.

The importance which Luther ascribes to the institution of engagement is still another expression of his affirmation, that marriage is "ein eusserlich weltlich ding"<sup>1</sup>. He strongly criticizes the distinction made by the Roman Church between "sponsalia de futuro" and "sponsalia de praesenti"<sup>2</sup>, through which the engagement was supposed to stand for a promise to marry in the future. When engagement, besides having this character of a future undertaking, was allowed to be ratified in secrecy, Luther felt convinced that the most favourable conditions for fraud and misery had been created. There is only one promise to marry, here and now, and it assumes immediate binding authority. And here we come to one of the most striking features of Luther's teaching on marriage. The engagement is accorded with matrimonial significance, cf.: "Es ist eben so wol ein Ehe nach dem offentlichen verlobnis als nach der hochzeit"<sup>3</sup>. But here it is of vital importance to realize, that only the public engagement assumes this "eheschaffende Bedeutung"<sup>4</sup>. We have already seen what part the parents play in ensuring the publicity of engagement. But there are more factors involved, and in the end, for most practical purposes, it is first after the wedding ceremony that a legal marriage has been established. Luther e.g. considers it

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1 WA30, III, 205.

2 On these two forms of "sponsalia" see D.S. Bailey, op. cit., pp. 122 ff.

3 WA30, III, 231.

4 Lähteenmaki, op. cit., p. 102.

fornication when man and wife start living together before their vow has been ratified through the wedding ceremony<sup>1</sup>. At the same time he counts an engaged person who has sexual intercourse with someone else than his spouse as an adulterer, to be treated in the same way as if he were legally married. "Consensus mutuus" in the presence of witnesses remains the most important moment, because at that moment the two become one flesh before God<sup>2</sup>. But the essential worldliness of the institution of marriage, and therefore its immediate relation to the other institutions of society<sup>3</sup>, makes it expedient to declare the mutual consent and thereby to consummate the marital process within a wider context. The wedding ceremony provides the occasion for just this.

Luther is not concerned about the form of the wedding ceremony as long as it fulfills this task. He agrees that traditional local customs be preserved in respective territories, or leave it to the civil authorities further to determine the shape of the rite if need be. Luther did, however, write a short book, containing wedding ritual, "Traubüchlein für die einfaltigen Pfarrherr" (1529)<sup>4</sup>, which sheds some light upon the practice in his own days. From this booklet one learns that the wedding ceremony was divided into two separate parts. The former takes place at the church door, "ante forem", the latter at the altar. The wedding "ante forem" is strictly a civil act which would be just as valid if it actually took place at the

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1 Ibid, p. 110; cf. also O. Sundby, op. cit. p. 49; and the introduction to Luther's "Traubüchlein für die einfaltigen Pfarrherr". WA30, III, 59. In "Von Ehesachen" (1530), however, Luther says the following: "Secret intercourse of those who are engaged to each other can certainly not be considered fornication; for it takes place in the name and with the intention of marriage, a desire, intention or name which fornication does not have. Thus there is a great difference indeed between fornication and secret intercourse after the promise of marriage". What Luther Says. An Anthology, vol. II, p. 896, Saint Louis 1959.

2 Lähteenmäki, op. cit., p. 108.

3 Cf. Luther's words about marriage as "fons Oeconomiae et Politiae et seminarium Ecclesiae". WA42, 354.

4 WA30, III, 78

civil magistrate. Luther preferred, however, that this part also was performed by a minister of the Church. This ceremony "ante forem" is necessary for the constitution of a legal marriage, but Luther makes it clear, as has already been underlined, "dass der Geistliche, wenn er traut, einen bereits bestehenden Bund bestätigt und bezeugt"<sup>1</sup>. The ceremony at the altar consists of readings from the Bible, divided into three parts. The first is devoted to "das gebot Gottes uber diesen stand", the second is concerned with the "Kreuz so Gott auff diesen stand gelegt hat", and the third reading concentrates on the comfort, "trost", which is to be drawn from the knowledge, that the married state is pleasing to God. After the readings there follows prayer for the blessing of God upon the new established marriage.

Admitting that the ceremony at the altar, which, it should be noted, constitutes the only strictly ecclesiastical part of the wedding ceremony, does not add anything extra to the actual making of the marriage, as the couple are already legally married "ante forem", the importance Luther ascribes to this part should not be minimized. In fact, depending on the relation of the married couple in belief or unbelief to the Word of God about their new relationship, expressed in the ceremony at the altar, rests all the difference between being married and to know what it means to be married<sup>2</sup>.

From the above it is understood that Luther does not make any qualitative distinction between civil and church weddings<sup>3</sup>. As far as the constitution of a legal marriage is concerned it is in fact the civil act which is necessary under all circumstances. In accordance with Luther's basic con-

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1 Läntheenmäki, op. cit., p. 108 (Italics ours).

2 Cf. Luther's distinction between "Ehlich seyn und ehlich leben erkennen" WALO, II, 294.

3 Cf. Läntheenmäki, op. cit., pp. 111 ff.

viction, that marriage is a constituent part of the earthly kingdom, there cannot be any question of another form of marriage which could be rated higher on the ground of its closer connexion with the Church, i.e. the spiritual kingdom. The relationship between the two kingdoms is never that of competition such as would justify a rating between a civil and a church marriage. Rather, this relationship is of a very different kind as we will seek to demonstrate in the last main section of this chapter.

## II. Divorce.

If it was necessary when discussing Luther's views on the constitution of marriage always to bear in mind the conflict motif of the two kingdoms doctrine, it becomes even more so when we turn to his teaching about divorce. Marriage as an institution serves God in His conflict against the destructive powers of Evil operating in man-woman relations. But this does not mean that all conflict is over once a legal marriage has been established. The Devil is clever enough even to make use of God's good Creation for his own purposes. Luther is therefore convinced, that marriage per se is not the final solution, which, by implication, justifies its unassailable existence once it has been duly constituted. It remains for sure an instrument of God, but as the attack of the Devil on this sphere of human relations appears in the most unpredictable forms, it becomes necessary to adjust the use of this instrument accordingly. The dissolution of marriage may in this context sometimes prove to be the strongest move. At the same time, however, it must be emphasized, that divorce for Luther constitutes the most regretful sign of the reality of Sin, which penetrates into every corner of human existence. Nothing demonstrates this reality more clearly than the fact that divorce is inevitable under certain circumstances<sup>1</sup>. If divorce,

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1 Cf. Lähteenmäki: "Ausgangspunkt für die Ehescheidung ist stets die Bosheit und Ungehorsamkeit des Menschen". Op. cit., p. 76.

then, is justified as the strongest move, it is never a pleasant one, but a move that must be taken in order to prevent what is worse still.

Luther is in no doubt that marriage is according to God's will indissoluble and he thoroughly detests the idea of divorce. He even hesitatingly admits that he prefers bigamy to divorce, cf.: "Ego quidem ita detestor divortium, ut digamiam malim quam divortium, sed an liceat, ipse non audeo definire"<sup>1</sup>. But the consequences of the Fall are of such a devastating character that even divorce, which per se is in absolute contrast to God's purpose as far as man-woman relations are concerned, may become the most adequate expression of this purpose.

One must consider this seemingly contradictory attitude of Luther towards the indissolubility of marriage on the one hand and the necessity of divorce on the other within the context of the two kingdoms doctrine and thereby with reference to the two kinds of righteousness implied in this doctrine. The quality of man-woman relationship which "in loco justificationis" makes the possibility of divorce by its very nature quite unthinkable, cannot possibly be realized outside this unique relationship with God, i.e. "extra locum justificationis". Therefore, as long as the majority of people are in fact outside this saving relation to God, divorce remains inevitable. In accordance with this distinction Luther affirms, that believers, who are by definition "in loco justificationis", should not divorce. "Bistu aber ein Christen, mustu dich nicht scheiden"<sup>2</sup>. The believer is anxious to forgive and seeks reconciliation even in case of adultery. If, however, the guilty party does not show any signs of repentance but persists in his

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1 WA6, 559.

2 WA24, 305.



flagrant and loose behaviour, Luther sees no other way than divorce, even for a believer<sup>1</sup>.

There are three main categories of grounds for divorce, adultery, malicious desertion and impotence.

Luther considers adultery established without any doubt as a ground for divorce by Jesus, cf. Mt. 5:31-32; 19:3-12. In fact he claims that adultery *eo ipso* means the dissolution of marriage, as this act is but a demonstration of the fact that the bond of marriage has already been broken. The role of the civil authorities in a case of adultery is, therefore, not so much to dissolve the marriage as to make publicly known that it has already been dissolved, thus enabling the innocent party to enter into a new marriage. But also it is the task of the civil authorities to punish the guilty party. Luther does not believe, that the possibilities for reconciliation in a case of adultery are good at all, as reconciliation demands more readiness to forgive than can reasonably be expected from the great majority of men and women<sup>2</sup>. But, then, he does not actually leave much room for reconciliation, as he affirms, that the guilty person should be put to death<sup>3</sup>. The adulterer is according to Luther already to be counted as dead before God through the very act of adultery, for the reason that marriage is intrinsically a life-long relationship only to be concluded at death of either partner. Luther, therefore, accuses the civil authorities of negligence, when they do not acknowledge the death penalty in case of adultery. This "fault" of the administrators of justice furthermore puts Luther in the embarrassing position of having to decide about the possibility for the

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1 WA32, 379.

2 In this respect, a.o., the believers should differ from the rest of the population, cf. above.

3 Cf. "Von ehelichen Leben", WALO, II, 267-304.

guilty person to re-marry. In keeping with his views on the irresistibility of the sexual desire he decides in favour of re-marriage, because under all circumstances it is "better to marry than to burn" (1 Cor. 7:9). This re-marriage, however, should only be allowed to take place in a foreign country<sup>1</sup>. This decision becomes normative concerning the guilty party also in cases where divorce is granted for reasons other than adultery.

Luther looks upon malicious desertion as a no less serious breach of the marriage bond than adultery and, consequently, as much a ground for divorce. If anything, desertion is a more serious offence, as it is a pre-meditated wilful action, whereas adultery often happens under the pressure of a momentary weakness<sup>2</sup>. Moreover, desertion means of course the disruption of the sexual relationship, essential to marriage according to Luther, and this fact alone justifies the most radical counteractions.

Luther's characteristic understanding of the peculiarities of the sexual desire implied that any situation, which in one way or another prevented sexual intercourse in marriage to take place, provided a reason for serious alarm and might even provide a ground for divorce. Impotence is a case in point. Luther, however, makes a distinction between different cases. If, for instance, the incapacitated person keeps his deplorable state secret until after the wedding, Luther feels strongly that the other person has been deceived and should be given full support from the civil authorities in making divorce possible. But the situation may look altogether different. Luther mentions as an example a situation in which the wife because of illness has become unable to render her conjugal duty. Should the husband divorce her? By no means. If he conscientiously serves his poor wife God will certainly grant him grace not to carry more than he can<sup>3</sup>.

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1 Cf. WA10, II, 289.

2 Cf. Lahteenmaki, op. cit., p. 74.

3 WA10, II, 291

Although Luther usually refers to these three categories, adultery, desertion and impotence, when discussing divorce, he was not very exact in using these terms and at a closer look it appears, that they do in fact imply more grounds for divorce than one would expect from common usage of these terms. Thus adultery, "adulterium", does not refer solely to the sexual offence but covers also such attitudes and behaviour as undermine the true character of the marital relationship<sup>1</sup>. This much is to be derived from Luther's discussion about meanness as a ground for divorce<sup>2</sup>.

Malicious desertion has an extended meaning as well, which sometimes overlaps with the wider implications of adultery. D.S. Bailey numerates as instances of desertion, recognized by Luther, the following: "refusal by a wife of her conjugal duties, hindrance on the part of one spouse to the living by the other of a godly life, and rejection of reconciliation following separation on account of domestic dissension"<sup>3</sup>.

In case a believer is married to an unbeliever Luther adopts the "Pauline privilege". If the unbeliever desires to separate, divorce shall be granted.

As far as re-marriage of divorced people is concerned it has already emerged, that Luther considered it to be a necessity, demanded by the nature of the sexual desire. Also we mentioned the special arrangements Luther wanted to be carried out concerning the guilty party.

For similar reasons that make re-marriage inevitable, Luther emphatically rejected separation "a mensa et thoro", the only form of separation accepted by canon law. Separation, if it must happen, should be complete, i.e. divorce in the full meaning of the term, thus making re-marriage

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1 Cf. Lähdeemäki, op. cit., p. 70.

2 WALO, II, 291.

3 Op. cit., p. 176.



possible, - "propter fornicationem"<sup>1</sup>.

In concluding this section on divorce it is perhaps wise to remember Luther's own concluding words on this perplexing subject as he finishes his chapter on marriage in "The Babylonian Captivity of the Church". They are as follows: "Nevertheless, in these matters I decide nothing (as I have said) although there is nothing I would rather see decided, since nothing at present more grievously perplexes me, and many others with me"<sup>2</sup>.

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1 WA30, III, 232.

2 Luther's Works, Philadelphia 1959, Vol. 36, p. 106.

C. Marriage - a School of Faith

I.

At the beginning of this chapter on Luther we stated our intention to discuss his teaching on marriage within the context of his doctrine of the two kingdoms. Until now it has been the earthly kingdom which has been in the foreground in this respect, and especially this was the case in the section immediately behind us on the constitution and dissolution of marriage. There is no doubt in Luther's mind that matters of this kind belong to the jurisdiction of the civil authorities, and he expresses this conviction of his in the outspoken words on marriage as "ein eusserlich weltlich ding", "unter das weltlich regiment geworffen"<sup>1</sup>.

This strong emphasis upon the worldliness of the institution of marriage naturally evokes questions, as to whether Luther envisaged any role for the spiritual kingdom in this institution. Or does this emphasis in fact imply, that Luther looked upon marriage as a completely secular institution in our modern usage of that term? In seeking to provide answers to these questions one way of procedure could be to look for such remarks by Luther as express the divine character of marriage and to counterbalance these against the worldly expressions, thus arriving at some kind of a compromising conclusion. Much more fruitful procedure, however, or so it looks to us, is to consider first the wider question, how in fact Luther relates the two kingdoms to each other and proceed from there in order to discover what the much underlined worldliness of the institution does in fact imply, or, negatively, what it does not imply.

For reasons of clarity it will be expedient to pay some attention to the negative aspect first. One is inclined to impose upon Luther's words

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1 See supra p. 2.

about the earthly kingdom and, by implication, about the worldliness of marriage, meanings, which are generally ascribed to the "secular" in contemporary usage of the term. And as this concept has come to stand for a sphere which by its very nature excludes any notion of the divine, it follows, that we understand Luther's worldly concepts as referring to a reality which is separated from God. But in this way we are indeed creating problems which do not exist for Luther at all, because his ideas about worldliness are very much different from our conception of the secular<sup>1</sup>. Already at the beginning of this chapter we made the point, that Luther uses his doctrine of the two kingdoms in order to affirm his belief, that God is everywhere actively present in the created world<sup>2</sup>. God is therefore active in both kingdoms, so that the distinction "spiritual-earthly" refers in no sense to the scope of His activity, as if it were confined to the spiritual kingdom only. But God acts in different ways in each kingdom and in this respect the distinction "spiritual-earthly" becomes relevant. And it is a sharp distinction at that.

G. Tornvall writes about the distinction between the two kingdoms as being the fundamental principle of this doctrine of Luther<sup>3</sup>. God uses the kingdoms for the acquisition of ends which are as far apart as heaven and earth, cf. Luther: "Denn er hat zweyerley regiment unter den menschen auff gericht. Eins geistlich, durchs wort und on schwerd, da durch die menschen sollen frum und gerecht werden, also das sie mit der selbigen gerechtigkeit

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1 Cf. George W. Forell: "His secular realm is not at all secular in the modern sense of the word. There is no realm of being which is "autonomous" and not ultimately God's realm". Op. cit., p. 131.

2 See supra p. 4. Cf. also G. Hillerdal: "Die Lehre von den zwei Regimenten ist nun der Versuch, die beiden Weisen, durch die Gott seine Herrschaft über Welt und Menschen ausübt, näher zu beschreiben". Op. cit., p. 22.

3 Op. cit., pp. 68 ff.

das ewige leben erlangen. Und solche gerechtigkeit handhabet er durchs wort, wilchs er den predigern befohlen hat. Das ander ist ein weltlich regiment durchs schwerd, auff das die ienigen, so durchs wort nicht wollen frum und gerecht werden zum ewigen leben, dennoch durh solch weltlich regiment gedrungen werden, frum und gerecht zu sein für der welt"<sup>1</sup>.

In these words of Luther the difference between the two kingdoms is clearly brought out, and at the same time one appreciates, why Luther so unceasingly insisted upon their separation from each other. The spiritual kingdom establishes righteousness before God, "coram Deo", and life eternal. It is effective through the Word of preaching. The earthly kingdom is directed towards the establishment of righteousness before men, "coram hominibus", ensuring order and peace on earth, "pax mundi", and for these ends it has been provided with the privilege to use physical force. In the spiritual kingdom man's relation to God is purely passive, a fact which Luther illustrates by calling this kingdom "Hörreich". In the earthly kingdom on the other hand, man, endowed with physical strength and reason, is allowed to become "cooperator Dei". This kingdom Luther accordingly terms as "Reich der Tat"<sup>2</sup>. There is here a question of two kinds of righteousness, one through Grace, the other under the Law, and it is this fundamental difference which gives Luther the reason to trace the basic error of the papalists to their failure to keep the two kingdoms apart. Similarly, it is just this discernment which Luther claims for himself, to be able to distinguish the Creator from what is created, cf.: "Ideo scientia nostra, ut discernamus divinitatem a larva. Hoc non facit mundus"<sup>3</sup>.

This strong emphasis of Luther upon the necessity to keep the kingdoms

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1 WA19, 629.

2 Cf. G. Törnwall, op. cit., p. 18.

3 WA40, I, 174.



apart has led to various interpretations, which all have claimed to take this emphasis to its logical conclusion. Thus Luther has been alleged to have spiritualized the relationship with God to the virtual exclusion of the material world from this relationship. He has been accused of being indifferent towards society and social institutions once he has placed them within the earthly kingdom<sup>1</sup>. This in turn is seen as leading to a double morality, one for each kingdom, a higher and a lower type of morality. Luther's ultimate views on social institutions, e.g. on marriage, and the relevance of the Christian faith he is seen to ascribe to these institutions, are then deduced from allegations of this kind.

One must know Luther's guiding principles as to the relation between the two kingdoms in order to be able to evaluate the truth of these interpretations of his doctrine. Through the following discussion, in which the allegations implied in these interpretations will be put to a preliminary test, we hope to be led closer towards the formulation of these basic principles.

First it is to be remembered that Luther's sharp distinction between the kingdoms does not mean a spatial distinction, just as if the Creation was divided into a religious sphere where relationship with God was established, and a secular sphere where no such relationship was conceivable. G. Tornvall points out how the spiritual kingdom penetrates into any and every corner of society, cf.: "The spiritual kingdom is the relationship with God through hearing and obeying, and it is applicable within the totality of the social structure"<sup>2</sup>. Thus the distinction between the kingdoms does not refer to two spatially defined entities, but to two kinds of relationships between God

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1 Cf. for example Reinhold Niebuhr: *The Nature and Destiny of Man*, Vol. II, pp. 200, London 1943.

2 *Op. cit.*, p. 79.

and man. The radical difference between the kingdoms is then the difference between a relationship with God which is characterized with an attitude of hearing and obeying under Grace, and a relationship with Him characterized through the submission to the Law.

Secondly, it has been brought forward as a criticism of Luther's two kingdoms doctrine, that his consistent separation of the kingdoms means indifference on behalf of the Church, i.e. the spiritual kingdom, towards socio-ethical questions. Here the question is not, whether the two kingdoms represent a religious and a non-religious sphere respectively, but on the contrary it is Luther's conviction that God is active in both kingdoms that creates the problem. If His activity through the earthly kingdom differs fundamentally from that through the spiritual kingdom, then, the distinction between the two has been made for this very end, to make the difference stand out. If on the other hand this difference is ignored the result can only be that "confusio regnorum" against which Luther felt the most strongly. The outcome of all this is, then, that Luther's sharp distinction between the kingdoms is said to imply an uncritical acceptance of the existing social orders at any given time, because, after all, God is active behind these very orders.

The basic fault in this argument is that it ignores still another fundamental element in Luther's doctrine of the two kingdoms, viz. the element of misuse. "Omnia bona, sed sunt in abusu"<sup>1</sup>, writes Luther, and this very real presence of misuse makes indifference such as has been mentioned inconceivable. "It is impossible to accept the kingdoms such as they are actually to be found in human society. Rather it is of fundamental importance if they are being used properly or misused"<sup>2</sup>.

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1 WA40, II, 203.

2 G. Tornvall, op. cit. p. XIV; cf. also G. Hillerdal: "Der Vorwurf des Quietismus oder der Passivität kann jedoch gegen Luther niemals erhoben werden. Aus seinen Schriften spricht vielmehr ein lebendiges Interesse für alle Probleme, die das Leben der Gesellschaft und die Ordnung des Staates betreffen". Op. cit., p. 79.

In the quotation from Luther which we presented at length on page 30-31 he talks about the two kinds of righteousness which belong to each kingdom respectively. These are "iustitia christiana" and "iustitia civilis". In view of what has been said about "usus" and "abusus" it now becomes possible to distinguish between a right and a wrong "iustitia civilis", and for Luther there is no such thing as a neutral "iustitia civilis"<sup>1</sup>. The civil righteousness appears, of course, in the most varied forms because the multitude and variety of human relations and social institutions, which constitute the earthly kingdom, is very great indeed. But there is one norm that is applicable to the civil righteousness in all its forms, and therefore constantly puts it to test, namely the norm which refers to the divinely ordered purpose of any "station" in life to bring forth service towards the neighbour<sup>2</sup>. Whenever this norm is not accepted and people make use of their position in life, be it their occupational roles or family positions, solely for their own good, these positions are misused.

It is important in this connection to realize that for Luther the differentiation between "usus" and "abusus" is a religious distinction in the same way as the distinction between the two kingdoms is a purely religious one. Only through the insight of faith are people able to discover and to understand God's intention concerning the roles they occupy in life. Thus Luther writes for instance concerning marriage, that there is a big differ-

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1 Cf. O. Sundby, op. cit., p. 42.

2 I.e. Luther's: "Omnes status huc tendunt ut aliis serviant". WA15, 625. G. Wingren writing on Vocation, a concept which is inseparable from Luther's doctrine of the earthly kingdom, says the following on this point: "Luther's peculiar understanding of vocation as a creation of God ordained for maintaining service to one's neighbour leads him to make concrete proposals for reforms of the life of society". Op. cit., p. 35.

ence between "ehlich seyn und ehlich leben erkennen"<sup>1</sup>. It is all the difference between knowing God's Word about this institution and not knowing this very Word.

There is then a place for constructive criticism of the existing "iustitia civilis" within Luther's doctrine of the two kingdoms. This criticism has its proper place within the office of preaching, cf. the following: "Aber das tut er (der Prediger) auch gegen der welt eitel grosse mechtige werck, nemlich, das er alle stende berichtet und unter weiset, wie sie eusserlich ynn yhren amptern und stenden sich halten sollen, damit sie fur Gott recht tun ..."<sup>2</sup>. Thus it is the preacher's duty to instruct his congregation about their duties and obligations.

It might seem that Luther by this emphasis upon instruction made himself guilty of not keeping the kingdoms so rigidly apart as he himself insists upon at other occasions. But it must be remembered that Luther has no intention to impose upon the earthly kingdom norms or patterns which are ungenial to the very structure of this kingdom. Rather it is the task of the office of preaching to assist the earthly kingdom in becoming what it is meant to be. We can see an illustration of the difference in Luther's admonition of the civil authorities, because of their slack attitude towards adulterous persons. The use of physical force is the prerogative of the earthly kingdom and one of its main characteristics. The Church may very well underline this particular aspect of the earthly kingdom's function without any question of "confusio regnorum" whatever. If the Church on the other hand assumes for herself jurisdiction and executive authority in matters of this kind, which by their nature belong to the earthly kingdom, she has passed her limits and the consequences according to Luther can only

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1 WALO, II, 294.

2 WA30, II, 537.



be disastrous for both kingdoms.

Thirdly, it is frequently affirmed that Luther's sharp distinction between the kingdoms is bound to lead to a double morality, a higher and a lower. G. Tornvall, however, makes the interesting point that the existence of a double morality is dependent upon a distinction between the two kingdoms which is relative and not radical enough. A relative distinction implies that the kingdoms are in a competitive relation to each other like the terms "higher" and "lower" indicate. But if this were true about the relation of the kingdoms to each other as far as morality is concerned, then it would necessarily follow that the same kind of a competitive and complementary relation existed between the righteousness before God and the righteousness before man, i.e. between Nature and Grace. In fact, however, Luther's doctrine of the two kingdoms is intended to serve as a safeguard against any notion of this kind.<sup>1</sup> The distinction is radical, which means that no comparison can be made between the moral standards of the two kingdoms. This much is already implied in Luther's belief, that everything there is to be known and said about God and the world finds its expression in terms of these two kingdoms. There is, therefore, for Luther no vantage point outside the scope of the two kingdoms from which the "tertium comparationis", intrinsic to the allegation of a double morality, could be made.

The distinction between the two kingdoms is accordingly not an ethical distinction at all. The only ethical principles which Luther recognizes are inseparable from his fundamental article of faith, the justification by faith through Grace, and belong therefore solely to the kingdom of Grace, i.e. the spiritual kingdom<sup>2</sup>. The ethical status of a person is determined by the sole reference to his relation to God in belief or unbelief, no

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1 Cf. G. Tornvall, op. cit., p. 93.

2 Ibid, p. 83.

matter how ambiguous or relative the situation may be in which he finds himself at any particular moment<sup>1</sup>.

We have now given some attention to the relation of the two kingdoms to each other and noticed how, on one hand, Luther wants to keep them strictly apart and, on the other hand, how some kind of an interplay between the two must take place. However strongly he seems to emphasize the necessity of separation, he never intends to isolate one completely from the other, cf. G. Törnvall: "Characteristic for his mode of thinking is rather, that the notion of one kingdom almost always seems to imply the existence of the other. We find in other words that he hardly ever mentions the spiritual kingdom without also referring to the earthly kingdom and vice versa"<sup>2</sup>.

We mentioned earlier that we hoped to establish the determinative principles concerning the relation between the two kingdoms. It has now emerged that these principles will have to be able to account for the peculiar relationship which Luther himself described as "Unterscheidung" but not "Scheidung"<sup>3</sup>. An organic relationship which, by definition, excludes a static interpretation of its components. It seems to us that we find these principles in Luther's doctrine of "Gesetz und Evangelium", and in the close connection of this doctrine to the two kingdoms doctrine. The dialectical relationship between Law and Gospel in Luther's theology does both at the same time, separate the one from the other in the most absolute way, without ever dealing with one in complete isolation from the other<sup>4</sup>. The two must always be held together in a dialectical relationship. It seems clear that one is fully justified in linking these two doctrines of Luther so closely

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1 Cf. Regin Prenter: Skabelse og Genløsning (Creation and Redemption), Copenhagen 1955, p. 112.

2 Op. cit., p. 22.

3 Cf. Ibid, p. 75.

4 On the Law-Gospel dialectic see R. Prenter, op. cit., pp. 94-117.

together, as the two pairs, earthly and spiritual kingdom - Law and Gospel, are used by Luther to illustrate the same reality, which is the action of God in the world through the Word. On this point G. Hillerdal writes the following: "Die theologischen Prinzipien von Gesetz und Evangelium, die für Luthers Bibelauslegung charakteristisch sind, haben auch zur Konzeption seiner Lehre von den zwei Regimenten geführt"<sup>1</sup>. The "iustitia civilis" which God establishes through the earthly kingdom is the same "iustitia" as Luther ascribes to the operation of the Law in its "usus politicus". The same holds for "iustitia christiana"; it is the operation of the Gospel, but for that very reason it cannot be separated from the spiritual kingdom. This close connection, then, of the Law and the earthly kingdom on one hand and of the Gospel and the spiritual kingdom on the other, determines the formal relationship of the two kingdoms as far as their interdependence is concerned. But this connection furthermore provides the two kingdoms doctrine with a richer content than has so far been indicated, and especially this holds true for the earthly kingdom and its relation to the faith. The Law in its double use is for Luther the necessary presupposition for the reception of the Gospel "qua evangelium"<sup>2</sup>. The continuing Creation of God, Sin and Redemption are expressed through the dialectics between the "usus politicus legis" and "usus theologicus" on one hand, and between the "usus theologicus" and the Gospel on the other. The earthly kingdom with all its "stations" and vocations thus becomes the sphere within which this vital Law experience takes place<sup>3</sup>. It is therefore not enough to describe only the

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1 Op. cit., p. 18; cf. also Lahteenmaki, who talks about the earthly kingdom "das über das Gesetz wacht", and the spiritual kingdom "das das Evangelium verkündet". Op. cit., p. 174; cf. further G. Tornvall, op. cit., p. 45.

2 Cf. P.S. Watson, op. cit., p. 151.

3 This wider conception of the Law is admirably brought out by P.S. Watson, op. cit., p. 155.

outward side of this kingdom which concerns itself with the establishment and maintenance of law and order in human society. There is another side as well, which refers to the position of the individual, who is a sinner, within the structural relationships of society which all have at least one factor in common, viz. the demand for love to one's neighbour. If this individual does not misuse his position the conflict that takes place between "res et personam"<sup>1</sup> may, if it so pleases God, result in the experience which Luther describes as the crucifixion of the old man, "vetus homo". When that happens the time has come for the reception of the Gospel, which, according to Luther's "theologia Crucis", is life from death, resurrection<sup>2</sup>. By saying this it is by no means implied, that this process, which may lead to the death and resurrection of a sinner, is ultimately dependent upon the initiative of the individual, using his vocation properly. Rather it is God's work all through when it happens. It is God who not only makes alive but kills as well, and this happens "ubi et quando visum est Deo". But it does imply that the earthly kingdom, constituted as it is by the multitude of social institutions, provides the context within which the process of "death" takes place. This is what it means when Luther says there is a cross in every vocation<sup>3</sup>.

In this way the earthly kingdom is in a very close connection with the

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- 1 Luther makes use of this terminology in order to indicate the contradiction of the intrinsic goodness of God's Creation, "res", and the sinful state of man, "personam".
  - 2 Cf. Luther: "His way is to exalt the humble, to feed the hungry, to give sight to the blind, to comfort the miserable and the afflicted, to justify sinners, to give life to the dead and to save the desperate and the damned". - What Luther Says, An Anthology, Saint Louis 1959, Vol. II, p. 674; see also P.S. Watson, op. cit., p. 156.
  - 3 Cf. G. Wingren, op. cit., p. 29.



spiritual kingdom in a dynamic, dialectical relationship<sup>1</sup>, and it is above all when the earthly kingdom is conceived of as being in this peculiar relationship that Luther calls it a divine dispensation, "eytel Gottlich ding", etc. This being the case any interpretation of the earthly kingdom which ignores the dialectical relationship with the spiritual kingdom is bound to lead to a serious misinterpretation of Luther's social-ethics. Thus, in looking back to our discussion on the alleged implications of Luther's doctrine of the two kingdoms, we now see that the failure to take this dialectical relationship into account is the one basic error in all the interpretations concerned.

## II.

As we now turn once more to the institution of marriage as "ein eusserlich weltlich ding", we should be in a better position to see its worldliness in a true perspective. Thus it now becomes clear that until now it is only the outward side of the worldliness of this institution which has been brought forward, the side which refers to law and order. As we saw the emphasis here is upon the necessity that everything should take place publicly. But it must be remembered that one is not by any means justified in minimizing the importance of this outward side, as a fully legal marriage may be established according to Luther even though no church official has taken part in the actual proceedings. But then again it can be argued that misinterpretation of Luther's teaching on marriage leading in this direction is not very likely. Rather, the important question is surely, whether Luther's insist-

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1 Ibid, p. 30: "The Christian is crucified by the Law in his vocation, under the earthly government; and he arises through the Gospel, in the church under the spiritual government".

2 W40, II, 564.

ence upon the necessity to bring all matters related to the institution of marriage under civil jurisdiction gives reason to believe, that he did in fact cut this institution completely from the authority of the Church, or to say the least, that he did not see it in any essential relationship with the Gospel. - Where this last interpretation is held to be true it seems to us that only the "political" side of the institution of marriage has been taken into consideration without any reference to its "theological" side<sup>1</sup>. It has been the thesis of this chapter that both are indeed necessary for the right understanding of Luther's words about the worldliness of marriage as well as of his apparently contradictory words about the divine character of the same institution. We intend therefore to deal somewhat more directly with the theological aspect of marriage, having done so indirectly in the previous discussion on the Law-Gospel dialectics between the two kingdoms.

Marriage, says Luther, is the most common of all vocations<sup>2</sup> in the earthly kingdom as well as being the one which carries with it the most demanding obligations. It is a vocation within which the intensity of the law of love is felt most strongly just as the intensity of the personal relationships involved in this vocation is stronger than in any other. And inasmuch as fallen humanity is basically a self-centred humanity, "incurvata in se", it is no wonder that Luther relates the cross to this vocation and actually mentions carrying the cross, "ferre crucem", as one of the chief ends of marriage<sup>3</sup>.

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1 Cf. "usus politicus legis" and "usus theologicus".

2 Cf.: "Nun so ist kayn standt, den gott gemayner hat wöllen sein, den er auch gepoten und uns darzu erschaffen hat, dann der eelich stand, derhalb er alles gemacht hat, ain menlein und ein frewlein". WA15, 667.

3 Cf.: "Finis ultimus est obedire Deo, et mederi peccato, invocare Deum, quaerere, amare, educare prolem ad gloriam Dei, habitare cum uxore in timore Domini, et ferre crucem". WA43, 310.

It is not a cross voluntarily undertaken like the cross of celibacy, but a cross which God Himself has placed upon this institution, "das Kreuz so Gott auff diesen stand gelegt hat"<sup>1</sup>. Luther describes this cross which accompanies life in marriage in the most realistic terms. It is not to be found in connection with anything extraordinary in the marital relationship, but on the contrary the most common things in every day family life constitute for Luther the cross, cf. the following: "Ach, solt ich das kind wiegen, die windell wasschen, bette machen, stanck riechen, die nacht wachen, seyns schreiens wartten, seyn grindt und blatten heylen, darnach des weybs pflegen, sie erneeren, hie sorgen, da sorgen, hie thun, da thun, das leyden und diss leyden, und was denn mehr unlust und muhe der ehestand lernet"<sup>2</sup>. Whatever forms the cross may take it is always directed towards curbing the egocentricity of those concerned as long as it is a cross sent from God. As we mentioned earlier it is the character of intensive personal relations, intrinsic to marriage as a life-long relationship, that makes it such a favourable ground for experiencing the cross, i.e. to feel the heavy burden of the Law<sup>3</sup>. The married person, in his self-concern, must inevitably run against the law of love which is built into the very structure of this institution. He thus becomes aware of his own shortcomings, his failure to love like he should, and this ultimately drives him to despair, - provided God's "left hand" is at work behind this process. In the dialectical relationship between Law and Gospel, despair stands revealed as the knowledge of Sin.

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1 WA30, III, 79.

2 WALO, II, 295.

3 It is precisely the social aspects of the institution of marriage, viz. obligations to one's spouse and children as well as to society at large, that make it for Luther of such an incomparable more value than celibatic life. In the latter he saw withdrawal from the duties to the neighbour, but that for Luther means withdrawal from the sphere of God's saving activity.

At that point God's "proper work" can take place and the Gospel be heard "qua evangelium". Life in marriage, accompanied as it is by the cross, thus acquires an important significance within the scope of God's redeeming action. Luther describes how marriage simply drives one to faith, of the following: "Sihe, so greiffistu hie fur das erst, das der ehestand von natur der art ist, das den menschen treybt, iagt und zwinget hyneyn ynn das aller ynnerlichst, hohist, geystlich wesen, nemlich zum glauben"<sup>1</sup>. And this road to faith within marriage is indeed the "via crucis" as these following words amply illustrate: "Darumb ists auch eyn stand, der den glauben an Gott, die liebe am nahisten treybt und ubet durch mancherley muhe, erbeyt, unlust, creutz und allerley widderwertickeyt"<sup>2</sup>.

It should now have become clear that the worldliness of marriage does not imply for Luther, that it is cut off from any significant relation to faith, and at the same time one is in a position to understand, how he is able to speak about marriage as worldly and divine simultaneously. This will become clearer still when attention is given to the faith as "Deutungsbasis der Ehe"<sup>3</sup>. But before we do so, we would like to draw attention to another important factor which is implied in Luther's considerations about the cross in marriage. This factor is concerning his understanding of conjugal love.

Through the discussion on the cross in marriage it has clearly emerged that Luther looks upon the marital relationship as a relationship between a person and his neighbour<sup>4</sup>. The fact that marriage is given such an elevated

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1 WA12, 107.

2 WA17, II, 62.

3 Cf. Lähteenmäki, op. cit., p. 168.

4 Ibid, p. 136: "Die Gattenliebe ist für Luther nur ein Sonderfall der Nächstenliebe, so wie ein anderer Sonderfall der Nächstenliebe die Bruderliebe ist". Cf. also K. Lögstrup, op. cit., p. 85, note 4.

position by Luther is to a large degree due to his belief, that it is the "locus" for neighbour-love "par excellence". One very important aspect of the cross in marriage is just this, that in marriage I am obliged to love my neighbour - my wife or my husband! And it is this type of love, neighbour-love, which Luther takes to be the basis for the constitution of marriage.

This does not mean, however, that Luther was not aware that a peculiar relationship between man and woman sometimes develops which cannot be described as neighbour-love in the usual meaning of that term. The strong feeling, "amor mutuus", which draws two persons to each other in the most unpredictable ways. Luther recognized this type of love between Jacob and Rachel (Gen. 29:18) and speaks of it in very appreciative terms indeed, cf. Lahteenmäki: "Er definiert die eheliche Liebe als Bewunderung der Schönheit, als brennende Gefühl und als den Wunsch, den anderen ganz zu besitzen"<sup>1</sup>. But as the basis for marriage this type of love is unsatisfactory if for no other reason than how rare it is and unreliable. It is a gift from God<sup>2</sup>, when it happens, and highly to be praised as such, but it is not the constitutive factor in marriage. This factor remains the law of love, i.e. neighbour-love, and as this law is the law of God it can in the final analysis only be acknowledged and actualized through faith.

This brings us back to the relation of marriage to faith. One aspect of this relation has already been treated, viz. the cross in marriage as "pedagogos ad Christum". The other, inseparable from the former, refers to the necessity of faith for the right understanding of the meaning and purpose

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1 Op. cit., p. 55; cf. also W. Elert: Morphologie des Luthertums, II, München, 1932, p. 88.

2 Cf.: "Wer sein Weib, die ihm von Gott gegeben ist, und wiederum ein Weib ihren Mann kann lieb haben, das ist eine grosse Gnade und Gabe Gottes". TischR. VI, 265.



of marriage, cf. Luther's definition: "So ist der ehestand ein stand des glaubens, denn wer diesen stand annympt und anfehlet, der soll yhn ym glauben anfahen, Alle Gottes werck sind also geordenet, das man sie mit dem glauben muss fassen, wie auch dieses"<sup>1</sup>. Thus it is only through the eyes of faith that an act of God may be discerned behind the very cross which goes hand in hand with life in marriage. That this is the case rests upon the fact, that only the man of faith, who has passed from death to life, knows that God acts just in this particular way. And for this person the cross in marriage is no longer experienced as such, because now the duties and obligations, which for the person of unbelief constitute the cross, are accepted and indeed welcomed as opportunities for exercising the love to the neighbour. Luther did in fact ascribe all the trials that people find in marital life to their lack of faith, cf. the following: "Was ist die ursach, das man so ubel davon redet, und das es zu zeiten ubel zu gehet ynn dem ehelichen stande? kein andere ursache denn der unglaub, drumb das du Gottes wort und wercke nicht verstehest"<sup>2</sup>. Conflicts in marital life, adultery, divorce, ultimately point to the unwillingness of one or both of the persons concerned to sacrifice his or her own self-interest for the benefit of the other.

Marriage is accordingly "ein stand des glaubens" in a very real sense. Its use and misuse are utterly dependent upon the presence or absence of faith. If Luther underlines the worldliness of marriage as far as its constitution and dissolution are concerned, he certainly compensates for this in the vital importance he ascribes to the Word, in its twofold form of Law and Gospel, for the life in marriage. People may be legally married accord-

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1 WA21, 58.

2 WA21, 59; cf. also: "Denn der glaub macht alle ding gutt, auch den tod und alle ungluck. Der unglawb macht alle ding bosse und schedlich, auch das leben und Gott selbs". WA12, 108.

ing to Luther without the presence of faith, "ehlich seyn", but that is something altogether different from recognizing the true meaning of this institution, "ehlich leben erkennen", cf. the following: "Es ist gar viel eyn ander ding, Ehlich seyn und ehlich leben erkennen. Wer ehlich ist und ehlich leben nicht erkennet, der kan nymer mehr on unlust, mühe und iamer drynnen leben. Er muss klagen und lestern wie die hayden und unvernunfftige, blinden menschen. Wer es aber erkennet, der hatt lust, liebe und freude drynnen on unterlas"<sup>1</sup>.

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1 WALO, II, 294 (Italics ours).

## II. Marriage in Iceland during and after the Reformation period

### I.

1. As we come to consider the introduction of the Lutheran teaching on marriage into Icelandic society, resulting from the acceptance of the "new faith", it is of considerable importance to be appreciative of the basic characteristics of the institution of marriage in pagan as well as in Christian Icelandic society prior to the Reformation. In particular a backward glance is relevant with regard to the strongly emphasised "worldliness" of marriage, which, as we have seen, plays such an important part in Luther's general outlook on marriage.

The Saga literature offers a great number of examples illustrating marriage proceedings in pre-Christianized Iceland providing us with a relatively clear picture of this institution<sup>1</sup>, a picture which is further corroborated by the oldest Icelandic code of law, the "Gragas". According to these sources entering into marriage was not so much a concern of the man and woman involved, nor of the State, as an agreement between the two groups of kin concerned, in which socio-economic agreement and political considerations predominated over personal factors of like or dislike. From start to finish of the proceedings leading to marriage the initiative rests with a person's closest and/or most influential relatives, or, in the case of the woman, with her legal guardian. Even as far as the choice of a mate concerns, those to be married are quite content to seek and to heed the choice made for them by these persons. There are of course notable exceptions, but they stand out by the very reason of their singularity<sup>2</sup>.

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1 Cf. Kr. Kalund: Family life in Iceland during the first Saga period (until 1030). Annals for Old Norse Antiquarianism and History, Cph. 1870 (Orig. Danish).

2 See as examples of the rule Njals Saga, chapters 25 and 26, where Njal fully decides on the marriages of his sons. Cf. also chapter 2. For the exceptional instances see Njals Saga, ch. 97; Laxdaela Saga chs. 7, 23.

There were three distinctive stages in the marital process, the proposal followed by match-making negotiations, the ceremonial betrothal, and finally the wedding feast.

Following a successful proposal the spokesman for the would-be bridegroom and the guardian of the bride were given the task to negotiate and come to an agreement as to the terms of the marriage-deal. This meant primarily a settlement on the amount of money the bridegroom should pay to the bride's guardian, but also what should come in return in the shape of dowry. Furthermore it was customary at this stage to fix the division of property between the married couple, and also the time and place of the wedding feast was decided upon. In some cases other special arrangements might be included in this marriage contract. After the contract had been concluded the actual betrothal ceremonial could take place. This ceremonial consisted in naming witnesses from both sides and in their presence the bridegroom-to-be and the bride's guardian confirmed the deal through the joining of hands, the latter thus betrothing his client to the former<sup>1</sup>. After the betrothal had thus been ratified the law decreed that the wedding feast should be held within a year. There does not seem to have been any question of the parties living together in the period between betrothal and the wedding feast. The final stage, then, in the process of establishing a legal marriage was the wedding feast. This was an occasion for a gathering together of members of both groups of kin, normally at the home of the bride's father. Gifts were exchanged, and the festivities might extend over some days. There is no sign of any wedding ceremonial taking place during the feast, but as far as the law is concerned the wedding feast provided the occasion for the married couple to enter the bridal bed "in light",

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1 Cf. e.g. Njals Saga, ch. 2.

presumably meaning in the presence of witnesses.

For the purposes of our investigation it is the second stage, the betrothal ceremony, which is the most important, because eventually it is this element of the pre-Christian wedding procedure that was incorporated into the ecclesiastical law valid at the time of the Reformation. By so doing the Church did in fact sanction a form of civil marriage, because such was the legal importance of betrothal that children born to those betrothed before or after betrothal were by law legitimate.

Monogamy was the only legal form of marriage, but for a married man to keep a concubine was legally as well as socially accepted<sup>1</sup>. Dissolution of marriage could be effected with the greatest ease, by the wife just as easily as by the husband, provided the party concerned followed legally prescribed procedures<sup>2</sup>.

2. The introduction of Christianity and its legalization by the Althing (the Icelandic Parliament) in the year 1000 did not seemingly affect the well established law relating to the marriage procedure of the pre-Christian era for still a long period of time. In the first ecclesiastical code of law, drawn up by the two bishops and introduced by the Althing in 1123, there is no mentioning of marital affairs, a fact which seems to indicate that even at that time the Church did not play any decisive role in controlling matters of this nature<sup>3</sup>. There is, however, reason to believe that the regulations of canon law about the forbidden degrees of kinship and affinity were in fact enforced during this period as from the year 1217 there

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1 Cf. Kr. Kalund, op. cit., p. 338.

2 See e.g. Njals Saga, chs. 34 and 7, where the detailed technicalities are described; Laxdaela Saga, chs. 16 and 34; see further Kr. Kalund, op. cit., pp. 331ff.

3 Cf. Jon Johannesson: Icelandic History, I, 194, Reykjavik 1956; cf. also Jon Helgason: Icelandic Church History, I, p. 60.



is a decree of the Althing altering the law about the impediment from the fifth degree to the fourth, in accordance with the resolution of the Lateran Council from 1215. Also there is evidence that the dissolution of marriage was brought under some ecclesiastical control through the personal intervention of the bishops<sup>1</sup>.

It is indeed first with the increasing power of the Church during the thirteenth century that the authority of the ecclesiastical jurisdiction begins to be felt within the legal circle surrounding the institution of marriage with all its force. An ominous sign of this may be seen in the statute published by bishop Arni Thorlaksson in 1269. Here it is prescribed that public notices shall be made by the priest three Sundays in succession before betrothal and wedding can take place, thus allowing time for the presentation of impediments if there are any<sup>2</sup>. The fact that this ecclesiastical ceremony is claimed essential for the constitution of betrothal is particularly significant in this respect, as the ceremonial betrothal was, as we saw, at the centre of the civil institution of marriage.

In accordance with the claim of the Church for unlimited jurisdiction over the so-called "spiritual matters" a new ecclesiastical law was drawn up by bishop Arni Thorlaksson in collaboration with his primate, the Archbishop of Trondheim in Norway. This "Jus Ecclesiasticum Novum sive Arnaeasum" was made effective by the Althing in the year 1275 for Skalholt diocese but not until 1354 for Holar diocese<sup>3</sup>. By including all matters of importance concerning the institution of marriage in this new ecclesiastical law, the Church made a complete claim to this institution as being a spiritual con-

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1 Cf. Jon Helgason, *ibid.*, p. 60.

2 Cf. *Diplomatarium Islandicum*, vol. II, p. 29.

3 The country was divided into two dioceses, Skalholt for the south, east, and west, Holar for the north.

cern subject to spiritual jurisdiction. And by accepting this new law, the secular jurisdiction, in the shape of the Althing, did in fact acknowledge this claim of the Church, a fact which is further substantiated through the introduction of the new civil law for Iceland in 1281, in which practically nothing is said about betrothal and marriage, except a few things about the bride's legal guardian, inheritance, etc.

The rules laid down by the new ecclesiastical law relating to the constitution of a legal marriage make provisions for three main stages in the process<sup>1</sup>. First there is the contract for a future marriage, which corresponds to the first stage of the marital process in the earlier civil legislation, but may be seen also as reflecting the "sponsalia per verba de futuro" circumscribed by canon law. For this contract to be legally valid full consideration had to be taken to the prohibited degrees of kinship and affinity and the consent of the bride's guardian was obligatory. Furthermore the contract should be laid out in a written form and include all details as to dowry, division of property, time of the wedding, etc. Finally the presence of at least two witnesses established the validity of the contract. After this initiatory stage the public notices mentioned above shall take place, and provided no impediments have been brought forward the second stage may now be reached. This consists of the ceremonial betrothal which takes place in the presence of witnesses. The bridegroom himself cites a betrothal formula which significantly concludes by the words: "... And from now on you are my legal wife". (Italics mine). The consent of the bride must be clearly heard by the witnesses. After this it does not come as a surprise when the law now continues by affirming, that such children

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1 Cf. "Jus Ecclesiasticum Novum", the edition of Grimur Thorkelin, Copenhagen 1777, ch. 16. Abbreviated from now on "Jus. Eccl. Nov."



that are born to a legally betrothed couple are to be considered as legitimate. This much is already implied in the betrothal formula. The marriage-creating-significance of the betrothal ceremony is still further underlined in the opening words of the chapter dealing with the dissolution of marriage where it says as follows: "Est autem matrimonium legitima maris et foeminae conjunctio, quam nullus homo rumpere potest, quamvis ad nuptias perventum non sit, dummodo sponsalia praecesserint legitima"<sup>1</sup>. The conclusion of betrothal has the same life-long binding effect upon the union between man and woman as the wedding ceremony proper.

Betrothal thus duly established the third and final stage is at hand, the wedding ceremony, abruptly prescribed as follows: "Posthaec pastor super iis cantet (illis benedicito)".

From this short review it may be seen that by merely claiming matters of marital concern under ecclesiastical jurisdiction, and accordingly including them in the ecclesiastical code of law, the essential civil characteristics of the institution of marriage were not thereby overcome. As we mentioned earlier, the civil betrothal ceremony with its important legal consequences was incorporated into the legal corpus of the Church, and as we have just been witnessing this did in fact imply an acceptance on behalf of the Church of a form of marriage, which apparently deserves the definition of a civil marriage. The first two stages necessary for the establishment of a legal union between man and wife do not require the presence of any Church representative.

At this point one may perhaps wonder, why the Church was willing to leave so much to the civil interpretation of marriage once it had affirmed the essential spiritual nature of this institution. Taking into considera-

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1 Ibid, ch. 18, p. 130 (Italics mine).

tion the purely practical concern the Church was bound to have in this situation, namely, that the enforcement of its code of law, including the articles on marriage, was dependent upon the approval of the Althing, we suggest, that the task was made easier for her by a precedent which must have been known to those responsible for the new ecclesiastical law. This precedent suggests itself in the strikingly similar situation in which the Western Church had found itself when faced with the task of devising its own nuptial ceremonial at the time of her overtaking these responsibilities from the civil authorities. E.O. James, in his book "Marriage and Society"<sup>1</sup>, describes this situation and how the Church reacted to it. "Taking as its guide", he writes, "the sponsalia of the Roman Empire it added a Christian benediction, appropriate prayers and the Eucharistic oblation to hallow the union". And "the Roman sponsalia, or betrothal ceremony, was retained as the legal contract entered into by the man and woman and their parents" (Italics mine). "... For a considerable time the betrothal (sponsalia) and the marriage ceremony proper (nuptiae) continued to be distinctive observances". Finally, discussing the development within the Church he refers to it as "transforming the sponsalia as a secular ceremony into Matrimonium", and, "... as the Church brought the solemnization of marriage completely under its jurisdiction the presence of a priest at each and every stage of the union became the normal procedure". - Here was in fact a canonized solution to the problem facing the ecclesiastical authorities in Iceland in the latter part of the thirteenth century, a solution which was the more acceptable as the similarities between the Roman sponsalia and the Icelandic pre-Christian betrothal ceremony were quite substantial. Furthermore, the trends E.O. James describes towards the transformation of the secular

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1 London, 1952, pp. 106 ff.

sponsalia into the holy state of Matrimonium are clearly present in Jus Eccl. Nov. Thus we have already seen how the betrothal ceremony is placed within the framework of Church regulations, even though the ceremony itself is not dependent upon any priestly intervention. First of all this framework takes shape in the rules about the prohibited degrees, which also apply to the betrothal, and secondly we saw how it is affirmed that no legal betrothal can be established unless public announcements of it have already been made by a priest three successive Sundays. But even more signs of this effort of the Jus Eccl. Nov. to baptize the pagan betrothal ceremony into the Church can be traced. The one-year interval between betrothal and wedding has been completely abolished as both ceremonies are now due to take place at one and the same day. One may interpret this provision as a move counter-acting what must have been a most disturbing fact to the Church, namely the marriage-creating-significance of the civil betrothal ceremony. By placing this ceremony in the closest possible proximity to the actual wedding the impression is left of a single event, through which a legal marriage is constituted, and its completion is reached first, when the part played by the Church is over. From later sources it appears that in fact the Church was not successful in putting this arrangement into practice conclusively, and apparently no legal action was taken if the wedding was concluded within a year from the time of betrothal<sup>1</sup>. Wedding on the same day as the betrothal became, however, the general practice<sup>2</sup>.

As far as the final stage in the transformation described by E.O. James is concerned, we must paradoxically enough wait for the period after the Reformation for its appearance in Icelandic legislation. First then is it prescribed by law that the presence of a priest is necessary at every stage of the process leading to a legal marriage.

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1 Cf. Dipl. Isl., vol. II, p. 803.

2 Cf. Kulturhistorisk Leksikon for Nordisk Middelalder, IV, Reykjavik 1959.



## II.

As we now turn to the Reformation period itself we shall keep in mind the information gained from our review of the pre-Reformation era, especially with regard to the long-standing tradition of a civil conception of marriage which prevailed in spite of efforts made by the Church towards the opposite direction. This tradition can be interpreted as providing a favourable ground for the introduction of the Lutheran teaching about the "worldliness" of the institution of marriage, and without doubt it made the transition from an ecclesiastical jurisdiction over marital affairs to a civil one much smoother than otherwise was to be expected. But even though this holds good as far as jurisdiction concerns, the same cannot be said about the development of the marriage procedure itself. The fervour of this development continued to be very much in line with those earlier pre-Reformation strivings, which sought the elimination of all civil characteristics belonging to the marriage ceremony. It is, then, possible to distinguish two lines of development with regard to the institution of marriage in and after the Reformation period in Iceland, one in keeping with the Lutheran ideal, the other moving away from it. In the following discussion, which will be based primarily on legal sources relating to marriage, the reality of these two opposite lines will emerge.

As Iceland was under Danish rule at the time of the Reformation, the King of Denmark replaced the Pope in Rome, in accordance with the Lutheran principle, as the supreme head of the Church in Iceland. This meant that such ecclesiastical laws as were enforced by the King upon his subjects in Denmark were, as a rule, shortly after introduced in Iceland as well. Thus the basic document containing the new Reformatory Church Order, initiated by

King Christian III and made law for Denmark in 1539, was introduced in Iceland and accepted by the Althing for the southern diocese in 1541 and for the rest of the country in 1551.

In introductory words to the Church Order it is mentioned, that the document was sent to, and approved by, Martin Luther himself as well as by those other wise men in Scripture who are in Wittenberg". - The new Ordinance contains a short article on marriage, the main points of which are as follows: As far as married persons concerns, in relation to their marriage, a minister of the Church has nothing to do except to wed them and to attend to their sorrowful conscience if need be. Everything else belongs to the civil authorities. In the Latin version: "Porro Matrimonium ad ministros verbi non spectat, nisi quantum ad conjunctionem eorum, et scrupulos conscientiarum attinet, relinqua omnia ad Magistratum pertinet"<sup>1</sup>. Marriage is prohibited within the third degree of kinship and affinity. Secret engagements are denounced, and no wedding is to take place without the consent of those in charge of the spouses. Public announcements in Church of their intention to marry must precede the wedding, which is to take place in Church and in accordance with "Dr. Martin's small Catechism", i.e. his "Traubuchlein", cf. the previous chapter. In other respects, the article concludes, the marriage procedure is to be in accordance with what is customary among the people, a resolution reminiscent of Luther's own utterings.

In this short article it is the first point which is by far the most important, as it makes known in no uncertain terms the teaching of the Reformers, that all jurisdiction in marital affairs shall be handed over to the worldly authorities. This was quite a radical break from the instructions of the Jus Eccl. Nov. from 1275, and we will have opportunity later to

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<sup>1</sup> Dipl. Isl., vol. X, p. 274.

witness the fact, that even those considered to be the most devoted to the Reformation cause were not quite willing to accept just how radical a break this was. The other points in this article on marriage contain hardly any innovations from Jus Eccl. Nov., except the one on the prohibited degrees; the bans have been removed from the fourth degree to the third.

There is ample evidence, however, that the changes that took place in the actual handling of marital affairs immediately after the Reformation were not as revolutionary as was implied in the Ordinance. This holds good both for jurisdiction (a) and for the marriage proceedings proper (b).

(a) The bishops continued to be in charge of cases relating to the constitution or dissolution of marriage, the normal procedure being that the bishop presided over a court of a number of ecclesiastics and an equal number of lay people. Thus there are several instances referred to in the "Diplomatarium Islandicum", vol. X, where the first Lutheran bishop, Gissur Einarsson (1540-48), is in charge of a marital court constituted in this way. There is no sign to the effect that this management was seen to be in any opposition to the instructions of the Ordinance, in spite of the fact that they made it quite clear, that all jurisdiction in marital affairs should belong to the worldly authorities. One example of this rather curious attitude is a case where Bishop Gissur Einarsson grants a permission to marriage, notwithstanding that the partners were related within the fourth degree of kinship, justifying his decision as being "in accordance with the legalized Ordinance of the Church"<sup>1</sup>. The bishop refers to the instructions of the Ordinance about the prohibited degrees, but he becomes at the same time guilty of ignoring the principal article of that same Ordinance, when it speaks about marriage, viz. the article on civil jurisdiction in matters of this kind.

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1 Dipl. Isl., Vol. X, p. 703.

The records of the Icelandic parliament (the Althing), "Acta Comitiorum Generaliae Islandiae", which cover the period from 1570 - 1696, contain a great number of marital decrees, all of which were passed in the so-called "half-courts", i.e. a court where one half of the judges is ecclesiastical, the other civil. And we can witness the fact, that the ecclesiastical authority was by no means prepared to give away its say over marital affairs, cf. a supplication sent to the King by Bishop Oddur Einarsson (1589-1630) and fifteen pastors in his diocese. In this supplication it says e.o. the following: "... that sometimes judgments are passed by laymen, which, to our mind, were better taken care of by the clerics, God's holy word and the Ordinance. Especially in marital affairs ..."<sup>1</sup>. Later we shall discuss the dispute between Bishop Gudbrandur Thorlaksson (1571-1627) and the legislative body of the Althing about jurisdiction in marital affairs, but this dispute shows very well how difficult it was, even for those most devoted to the Reformation cause in other respects, to accept the Lutheran principle about civil jurisdiction over the institution of marriage.

The legal treatment of marital cases during the first years after the Reformation was then similar to what used to be in the Roman Catholic time with the exception of the change from a clerical court to a mixed court under the presidency of the bishop<sup>2</sup>. The same codes of law were used as before, i.e. Jus Eccl. Nov. and "Jonsbok" (the name of the civil lawbook), the law codes that commonly were called "the law of the Church" and "the law of the land".

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1 Acta Comit. Gen. Islandise, vol. II, p. 286 (Italics mine).

2 Exceptions to the clerical courts in the Roman Catholic time are known, cf. Dipl. Isl. vol. IX, p. 374, where it says that the Catholic bishop Ogmundur Palsson (1521-1541) named 3 priests and 3 laymen to sit in a marital court.

(b) As far as the constitution of marriage is concerned during the period immediately after the Reformation, there are not visible any significant changes from the pre-Reformation norm described earlier. The ceremonial betrothal, preceded by match-making negotiations and public announcements, was still essential to the constitution of a legal marriage, cf. *Dipl. Isl.* vol. XIII, p. 440 et passim. G. Thorkelin, writing in 1777, has this to say about the betrothal formula in *Jus Eccl. Nov.*: "Haec formula in Jure Eccl. Reformato retenta, ad nostra usque usitata fuit tempora ..."<sup>1</sup>.

This apparently unchanged form of marriage procedure does not mean, however, that the Reformation teaching in its initiatory stages left the sphere of marital affairs altogether untouched. In a letter which the last Catholic bishop in the southern diocese wrote to his colleague in the north in 1541 he says the following: "You should know, dear brother, that a most regrettable state of affairs is developing, which God Almighty forbid ... that holy matrimonium is neglected, a thing which never has happened since God established marriage in Paradise ..."<sup>2</sup>. Not only were the Catholics stirred, but there is also reason to believe, that the Lutheran bishops and pastors found the after-effects of the introduction of the New Faith upon the stability of the institution of marriage somewhat disturbing, and felt the need for a firm and co-ordinated position within the Church with regard to this institution.

From the year 1552 there comes a parliamentary resolution on marriage. This resolution originated at a general synod for the northern diocese, was passed by the Althing, and finally approved by both the bishops. - The first article concerns the prohibited degrees. In the second article the clergy is urged to forbid the cohabitation of those persons who have ignored

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1 Op. cit., p. 111.

2 *Dipl. Isl.*, vol. X, p. 600.



the three public announcements in Church and have not been legally betrothed. The wedding in Church is to take place "on the very day of betrothal", and "whosoever becomes betrothed to a woman and does not wed her shall be fined XII aura"<sup>1</sup>.

It is not unlikely that the Lutheran teaching about the worldliness of marriage, together with its removal from the sacraments, has given a new strength to the civil conception of marriage which had been preserved in the shape of the betrothal ceremony through the ages. The second article of the resolution just mentioned bears witness to this, inasmuch as it reveals, that there was a need to take public action against couples who apparently did not think it was necessary to pay attention to the prescriptions about the public announcements, even to be wed at all. This same article offers furthermore a good illustration of the peculiar situation, in which the Icelandic Lutheran Church found itself, namely, to uphold an ecclesiastical rule over marital affairs and to fight the civil interpretation of marriage, contrary to the instructions of the Reformation Ordinance. This ecclesiastical mood becomes the most evident in the sentence which affirms, that those betrothed shall be wed "on the very day of betrothal". By this affirmation, which is analogous to Jus Eccl. Nov., the policy of the Catholic Church to place the betrothal ceremony in the closest possible proximity to the Church wedding is adopted.

In the above-mentioned parliamentary resolution, which was passed one year after the introduction of the new faith to the whole nation, one may then trace some of the first signs of that anti-Lutheran development which strove for ecclesiastical rule over the constitution of marriage.

In 1559 Bishop Gisli Jonsson (1558-87) summoned a mixed court of six

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1 Ibid, vol. XII, p. 439 (Italics mine).

pastors and six members of the legislative body of the Althing. This court was commissioned to form opinion about the institution of marriage "after the manner of the Ordinance and old Icelandic law". In the opening words of the decree, passed by the court, there is a reference to "those various types of marriages which lately have taken place in Skalholt diocese and are still being formed in a manner most contrary to the Law of God and public decency". A few examples are given: "First, there are some who have got married to their adulterous partners. Secondly, there are those who have got married in the following way: negotiated a marriage contract in the morning, became betrothed in the evening, and started their living together on that very night" (i.e. no announcements in Church, no Church wedding, - a civil marriage)<sup>1</sup>. Some already have a wife in another part of the country and still others get married within the prohibited degrees. - It is interesting to notice how the court reacts to this situation, inasmuch as this reaction reveals the priorities held by the court with regard to the administration of marital affairs. First, it refers to the sanctity of marriage as constituted by God and references are made to Gen., chapters 1 and 2, Jn. 2, Eph. 5. Secondly, "Jonsbok", the code of civil law, is quoted. Thirdly, a reminder is made of the instructions of "our old Church Law" (i.e. Jus Eccl. Nov.), "which in many respects is quite useful when it deals with marriage". Finally, "And for the increased stability of marriage the Ordinance decrees that marriage within the third degree of kinship and affinity is forbidden". In other respects the Ordinance is not referred to at all.

This court reveals, that there has been a certain amount of disorder and confusion in marital affairs during the years immediately after the

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1 Dipl. Isl., vol. XIII, p. 430.

Reformation in Iceland, but also it shows that the ecclesiastical authorities saw it as their duty to take the initiative in restoring law and order in these matters. Furthermore, the court is quite revealing with regard to the important place the Lutheran Church was prepared to give to the Roman Catholic legislation (*Jus Eccl. Nov.*) as well as to the "law of the land". The Lutheran Ordinance itself is only given the task of strengthening and of completing these traditional foundations of marital law in Iceland, but is not supposed to replace them. It must not be forgotten, however, that these old codes of law were the only ones existing at the time of the court in 1559. The short article on marriage in the Ordinance only touches upon this whole area and is specific only, when it comments on the prohibited degrees.

The decrees of 1552 and 1559 taken together give an illustration of the fact, that there was an urgent need for a new marital legislation based on the Reformation principles. Such legislation was presently to be introduced in the shape of a decree from 1564, named because of its severity "Stori-Domur" (literally meaning "The Great Doom"), and in the "Articles on Marriage" from 1587. - These two codes of law governed the administration of marital affairs for the next two hundred years and more.

(a) "Stori-Domur"

At the Althing in 1560 both the bishops received a letter from King Frederich the Second of Denmark. In his letter the King asks the bishops to draw up a proposal for law, deciding upon the penalties to be inflicted on adulterers and incestuous people as well as on fornicators of one kind or another. The reason for this letter is given in its opening words as being the news of "great immorality among our subjects in our land, Iceland"<sup>1</sup>.

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1 Dipl. Isl., vol. XIII, p. 480.

The bishops send their reply at once. They say they have studied "our old law of the land which seems to us to be very much in agreement with the Law of God according to the Old and the New Testament". Also they refer to the "old Church Law" (i.e. Jus Eccl. Nov.). Their terms of reference are thus very much the same as those of the decree from 1559, viz. the pre-Reformation judicial foundations. Concluding their reply the bishops ask the King to be relieved from the task of giving a final verdict on this matter<sup>1</sup>.

The request of the bishops resulted in the summoning four years later of a court constituted by 24 judges, none of which belonged to the clergy. This court was commissioned to decide "once and for all, applying to the whole population of Iceland, those born and yet unborn, men and women, from this day on: what fines and penalties are to be inflicted on incest, adultery, and fornication"<sup>2</sup>. - It does not lie within the scope of our study to enter into the details of this court's decisions, but we will mention the most important articles. - Incest was to be punished with the death penalty, even at first offence, the women to be drowned and the men to be beheaded. The death penalty also applied to adultery, when committed for the third time, unless a pardon was secured from the King. Fines, varying in severity, were inflicted on adultery for the first and the second time as well as on fornication. The clergy and the sheriff's are urged to have a serious talk with such persons as are leading a "publicly scandalous life", and the local minister of these persons is demanded to give them "three Christian warnings" if need be.

This decree was confirmed by the King in 1565 and according to Dr. Jon

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1 Ibid, p. 497.

2 Lovsamling for Island (A Collection of Icelandic Laws, hereafter referred to as Icel. Law Coll.), vol. I, Copenhagen 1853, pp. 84 ff.

Helgason it remained as the law of the land until 1838<sup>1</sup>. Before that time, however, it had undergone various modifications and alterations, e.g. in 1808, when the death penalty because of adultery was altogether abolished. The last execution for incest took place in 1834.

The main point of interest, concerning the decree of 1564, within the context of our investigation, is the fact, that here is an altogether civil legislation. The court was constituted exclusively by laymen, and it was summoned by the King's High Commissioner who held the supreme civil authority in the country. As a civil court, therefore, it may be said to have been a direct embodiment of that chief article of the Lutheran Ordinance on marriage which affirmed, that marital affairs should be in the hands of the civil authorities.

We have already mentioned, how reluctant some of the first Lutheran bishops were to give away their authority over marital affairs which previously had belonged to their Roman Catholic predecessors. This attitude was epitomized in the dispute between Bishop Gudbrandur Thorlaksson (1571-1627) and the legislative body of the Althing concerning the question of jurisdiction. Bishop Thorlaksson wrote inter alia about the introduction of the decree from 1564 in this connection. He sought a parliamentary decision as to "what to do when there is a conflict between the Ordinance and a parliamentary decree" (i.e. referring to the decree of 1564), "as the Ordinance permits marriage within the third and fourth degree, whereas the decree forbids it ..."<sup>2</sup>. Some of the remarks the Bishop makes on this issue are quite revealing, e.g. the following: "I presumed the head to be above

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1 Op. cit., the Danish edition, vol. II, p. 46.

2 "Bishop Gudbrandur Thorlaksson's Apology", with an introduction and notes by Pastor Arnlfjetur Olafsson, in "A Collection of Icelandic History" (orig. Icelandic, Copenhagen 1886, vol. II, p. 339.



the shoulders, i.e., I presumed that the Ordinance should have the final word in these spiritual matters ... and when they say (i.e. the legislative body of the Althing) that the King has no authority to change anything without their consent, either in spiritual law or in civil law, then this may be true as regards civil law; but, with regard to Church Law and spiritual matters like this about marriage and the prohibited degrees, this is sheer nonsense ... The reason why I did not take notice of the legislative body when we argued the question of marriage ... is the fact, that as this body had nothing to do with matters of this kind before, so it has nothing to do with them even now<sup>1</sup>. - One is bound to be amazed in running into an argument like this presented by the very person who is claimed to have been one of the most devoted spokesmen of the Reformation cause in Iceland<sup>2</sup>. The Bishop refers to the Ordinance in support of his argument at the same time as he classifies marital affairs as "spiritual", directly opposite to the instructions of the Ordinance itself when it affirms: "Propter Matrimonium ad ministros verbi non spectat, nisi quantum ad conjunctionem eorum, et scrupulos conscientiarum attinet, relinqua omnia ad Magistratum pertinet"<sup>3</sup>. The Bishop's standpoint becomes still more puzzling when notice is taken of the fact, that at the time of his writing the decree from 1564, initiated by the King himself, had already been enforced. But this decree was the very confirmation of the fact, that the civil authorities had taken over jurisdiction in matters, which in the pre-Reformation period belonged to canon law, and among these were matters concerning the institution of marriage. It is in turn a vivid illustration of the authority of canon law, i.e. Jus Eccl. Nov., after the Reformation, that Bishop Thorlaksson apparent-

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1 Ibid, pp. 341 ff. (Italics mine).

2 Cf. Jon Helgason, Icelandic Church History, vol. II, p. 99.

3 Dipl. Isl., vol. X, p. 274 (Italics mine).

ly adopts the definition of this law as to which are to be counted among the "spiritual matters". His own expression about Jus Eccl. Nov. is as follows: "What there is to say about Jus Eccl. Nov. is like this: there is no agreement on the issue; some would like it to be abolished altogether, others want it to be kept in every detail"<sup>1</sup>. It looks as if the Bishop himself has made use of Jus Eccl. Nov. when it suited his arguments, and this is what he does when he counts marital affairs among the spiritual matters. Pastor Olafsson offers an explanation of Bishop Thorlaksson's contradictory points of view which seems to be very much to the point: "The motif behind Bishop Thorlaksson's attitude was the fact, that he wanted to hold, together with the King, full legislative authority in matters, which earlier the bishops had held together with the Archbishop or the Pope; he suffered for the fact that he did not have the power the Roman Catholic bishops had enjoyed ..."<sup>2</sup>.

From the previous discussion it appears, that the strongest opposition was rendered by the Lutheran bishops themselves, when eventually the Lutheran principle about the worldliness of the institution of marriage began to take concrete form in legislation.

(b) "The Articles on Marriage"

The decree from 1564 left many questions concerning marriage unanswered for the simple reason that it was given a very limited scope and did not say anything, except indirectly, about the constitution and dissolution of marriage. It was not until 1587 that King Frederick the Second had a complete marital legislation drawn up for Iceland, but five years earlier a parallel legislation had been introduced in Denmark and Norway. In his introductory

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1 Op. cit., p. 352.

2 Ibid, p. 388.

notes on the Articles on Marriage the editor of the Icel. Law Coll., writing in 1853, informs us, "that a few years ago a district councillor in Iceland said this legislation was still in force, but the Royal Chancellory found this doubtful"<sup>1</sup>. The Articles on Marriage were in fact first replaced by a new legislation in 1824, so that we have in the Articles the one basic marital legislation of the Reformation era in Iceland. - In the following discussion we shall first enumerate the chief articles of the legislation and then make some critical remarks about it with regard to the principal Lutheran teaching on marriage.

1. - In the opening words of the Articles there is yet another reference to the fact, that "in this land of ours, Iceland, there is to be found great immorality with regard to marriage ..." <sup>2</sup>. Then follows the first main section which consists in a long and detailed instruction about Engagement. As marriage, it says, is God's own ordinance, which must be entered into in fear of God, it is fitting that those to be married should first become engaged. After the engagement the three public announcements from the pulpit shall take place. In order that everything proceed in order it is prescribed, that "from this day on" there shall no engagement be concluded without the presence of a minister of the Church and at least five other witnesses. Nor shall the duly engaged couple be permitted to live together as man and wife, until they have been wed in Church. Whosoever is daring enough to ignore this article about cohabitation shall be punished by the due authorities and be reprimanded by the minister. If they still continue in their scandalous behaviour they shall publicly be excluded from participation in the Lord's Supper. - Then follow further instructions on engagement. First, with regard to the prohibited degrees, engagement is forbidden

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1 Icel. Law Coll., vol. I, p. 113.

2 Ibid, p. 114.

within the third degree of kinship and affinity. Secondly, secret engagements are claimed invalid, i.e. engagements that take place without the consent of parents or their substitutes. Reference is made to the fourth commandment in this connection. Finally, there are enumerated seven cases which make the dissolution of engagement permissible.

On marriage itself, the Articles on Marriage confine themselves to a discussion about its dissolution. Three main categories of reasons for divorce are put forward, adultery, desertion and impotence.

(1) Adultery. Divorce is not granted if both spouses are guilty of adultery, nor is divorce easily obtainable in cases where hardship, suffered under one partner, drives the other to commit adultery. As to re-marriage it says, that the innocent party must secure himself a royal permission, and even then, three years must intervene between divorce and re-marriage. Furthermore, he must submit a testimonial to the effect, that in these three years he has led a moral and a Christian way of life. The guilty party on the other hand cannot remarry, nor is he permitted to have his residence in the district where his former spouse is now living.

(2) Desertion. Divorce is open to the deserted party when three years have passed without the return of the deserter. If, however, there is a sure knowledge of the fact, that the deserter is cohabiting with a third party, divorce and re-marriage may be obtained at once, provided the testimonial as to decent behaviour is in order.

(3) Impotence. The incapacitated person is granted three years, if in that time he might be able to obtain a cure of his ailment. Divorce because of impotence is further conditional to this state having already been present at the time of the wedding. If it is a later development it must be

endured like any other cross belonging to the married state.

The last section of the Articles discusses *inter alia* the possible effects of serious, infectious diseases upon the married life, primarily with regard to the question of divorce. Here as before, reference is made to the duty of suffering the Cross in patience, the only exception being if the contaminated person kept his disease secret when he got married. In that case divorce shall be granted.

Finally, all officials, civil as well as ecclesiastical, who are responsible for marital affairs, are charged to follow the instructions of the Articles in every respect.

2. - As we now turn to the task of making a critical assessment of the Articles on Marriage from the standpoint of the Lutheran teaching on marriage, it must be kept in mind from the beginning that according to this teaching all legislation in marital affairs should be in the hands of the civil authorities. In the previous chapter on Luther we noticed time and again, how convinced he was, that order in marital affairs was conditional to the institution of marriage being regarded primarily as a civil concern.

The introduction of the decree from 1564 was in keeping with this basic principle, and so also, we can now see, was the drawing up of the Articles on Marriage. In this legislation we do witness a civil concern for the restoration of order on the sphere of marital affairs, where apparently there had developed some confusion as a result of the Reformation upheaval. Materially it can also clearly be seen, that the new legislation carries with it traces of Luther's own teaching on marriage. Thus it seems likely, that the importance that is given to engagement in the Articles, reflects the characteristic significance Luther ascribes to this institution, of his



words about "die eheschaffende Bedeutung der Verlobnis". Also what the Articles say about secret engagements and the invalidity of engagement unless the consent of the parents is present, both these elements are quite reminiscent of Luther's teaching<sup>1</sup>. Finally, it hardly needs to be pointed out, that the divorce categories, enumerated in the Articles, are just the same as by Luther, and what is more, in the elaboration on these categories the same cases and terms are illustrated. A good example is what there is said about the cross in married life, especially in terms of sickness and impotence.

After all this has been said, however, we are still left with the impression, that the impetus of this "Reformed" legislation reveals a departure from the basic Lutheran standpoint, that the institution of marriage is "ein ausserlich weltlich ding". Furthermore, it seems to us that this departure is to some extent caused by still another anti-Lutheran move, which consists in not respecting the traditional marriage procedures and customs of the country. - These statements need a further elaboration.

Surely the most striking feature about the Articles on Marriage is the detailed instruction they contain on engagement. In its comprehensiveness this instruction leaves in fact nothing to be said about marriage, except with regard to its dissolution. It therefore looks, as if the articles on engagement are meant to suffice also with regard to the constitution of marriage. Note for instance the prescription as to which people are liable to be engaged in terms of kinship and affinity, but this prescription is the same as the Ordinance from 1537 applies to the constitution of marriage. The insistence on parental consent. Note also the article which says, that engagement shall take place in the presence of the local pastor and at least

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1 The argument from the fourth commandment is touched upon here as well, cf. Luther, p. 19 of the previous chapter.

five other witnesses, but this article seems in fact to fulfill completely the requirements Luther claimed to be necessary for a legal marriage, viz. by providing an occasion for "consensus mutus publicus". Finally, the article on the dissolution of engagement, which in its own way underlines the importance of this institution. Adding all these factors together one might be led to believe, that the Articles on Marriage had in fact taken up Luther's words about the marriage-creating-significance of public engagement, and established, by so doing, a civil constitution of marriage. If this had been the case, the traditional marriage procedure of the Icelandic people, the ceremonial betrothal, would also have been respected, but this ceremony had enjoyed the legal status of marriage for many ages.

Now we must be quick to emphasise, however, that the legal implications of the engagement ceremony according to the Articles are indeed very far removed from what we have been suggesting so far. In fact, great care is taken so as to keep the boundary line between engagement on one hand and marriage on the other as clear as possible. Those who want to enter "the holy state of matrimony" shall become engaged prior to this entry; the public announcements shall take place immediately after engagement, whereas they preceded the betrothal ceremony according to Jus Eccl. Nov.; finally, engaged persons are made subject to legal sanctions if they enter a married way of life prior to their marriage in Church.

It is then quite clear, that the Articles on Marriage leave no opening for a civil conception of marriage, as not even the quite elaborate engagement ceremony is accorded with a marriage-creating-significance. On the contrary we suggest, that the new legislation was directed against the civil conception, congenial to the betrothal ceremony, by dropping this ceremony

altogether, and by replacing it with the new engagement ceremony. But by rejecting the betrothal ceremony the legislation ignored an institution, which, besides its deep roots in the legal consciousness of the people, was very well equipped to embody and to express the Lutheran teaching about the worldliness of the institution of marriage. We are thus able to see how these two things go together, a tendency for a spiritualized conception of marriage and neglect of traditional procedures. Both these things were contrary to the Lutheran position in marital affairs. It remains to be said, that engagement in the context of the Articles, was in fact the "sponsalia per verba de futuro", but the distinction between "sponsalia de futuro" and "sponsalia de praesenti", was quite contrary to Luther's point of view, as he only recognized the "sponsalia per verba de praesenti".

It is very doubtful, if the Articles on Marriage were at all successful in restoring order in marital affairs. Troels-Lund, a Danish historian who wrote a series of books under the title "Everyday Life in the Northern Countries in the Sixteenth Century"<sup>1</sup>, affirms, that the introduction of the Articles in Denmark in 1582 added considerably to the confusion already existing in these matters, and furthermore, that out of this confusion there even developed meanings and interpretations very much contrary to the original intention of the legislation. The Articles had been framed to deal the civil conception of marriage a final blow, but the outcome turned out to be very much different from this aim, as the vast majority of the population took the detailed instructions about engagement to be a legislation on civil marriage. Furthermore, the only difference between this new legislation on "civil marriage" and the old one was seen to be the fact, that the obligations of the former were not as binding as those of the latter! This rather serious mis-

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1 Cf. vol. IX: Engagement, Copenhagen 1903.

understanding, Troels-Lund explains, was due to the fact, that the average person simply did not distinguish between the public engagement ceremony in the presence of a pastor and several witnesses on one hand, and the betrothal ceremony on the other. And Troels-Lund comments further: "The right for betrothed persons to lead a married way of life was not questioned at all, but the new element was taken to be, that those betrothed were now given a permission to end their union whenever it pleased them to do so ... In order to counteract this dangerous way of reasoning, the Church had to emphasize the point very strongly, that engagement was indeed a beginning of marriage and could in exceptional cases only be dissolved. But by so doing the Church did in fact play right into the hands of the traditional interpretation, which justified the married way of life for engaged persons"<sup>1</sup>.

There is reason to believe, that the reaction of the public in Iceland to the Articles on Marriage has been somewhat similar to what Troels-Lund has described in terms of the Danish people. The marriage-creating-significance of the betrothal ceremony was deeply rooted in the legal consciousness of the nation, not to be eradicated by a single piece of legislation. We can see for example, that the terminology does not change, the usual reference is still to betrothal and marriage, whereas the Articles speak of engagement and marriage. Much more important in this respect, however, was the fact that, engagement, as prescribed by the Articles, did not have any legal basis in the civil legislation, but this factor was of very great importance with regard to the legislation on inheritance. The importance of the betrothal ceremony in spite of efforts made by Jus Eccl. Nov. to make it insignificant, was very much due to the fact, that this ceremony determined one's legal status with regard to inheritance at the same time as it,

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1 Op. cit., p. 201 (Italics mine).

or its absence, determined one's status as legitimate or illegitimate<sup>1</sup>. The new legislation did not take this important legal principle into account, and by not doing so, it undoubtedly contributed to the fact, that the betrothal ceremony continued to be at the centre of the constitution of a legal marriage for still a very long time.

Our sources reveal that even some of the bishops were prone to ignore the "Reformed" legislation on marriage and preferred Jus Eccl. Nov. and the civil law. One of these bishops was Oddur Einarsson (1589-1630). Two letters from King Christian the Fourth, dated 1588, indicate that Bishop Einarsson has forbidden marriages within the third and fourth degree of kinship and affinity, whereas the Articles allow such marriages. Civil officials, bishops, and others concerned, are charged to follow the instructions of the new legislation in all matters relating to marriage<sup>2</sup>. The second letter is addressed to Bishop Einarsson personally and is very much the same in content as the first<sup>3</sup>. But seven years later, 1595, Bishop Einarsson has a resolution on marriage drawn up which is to such an extent a representation of pre-Reformation legislation, that one might easily be led to believe, that the Articles on Marriage had not been introduced by then at all. The betrothal ceremony is here included, and it is to be preceded by the public announcements as in Jus Eccl. Nov., whereas the announcements follow the engagement ceremony according to the Articles.

Bishop Oddur Einarsson's resolution on marriage is interesting in more

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- 1 The legal principle, expressing this connection between inheritance and marriage, is summarized in the following statement, dating from 1280: "It is of major importance to those who claim inheritance, that they have been born in a legal marriage". Dipl. Isl., vol. II, p. 173.
  - 2 Magnus Ketilsson (ed.): A Collection of Royal Prescripts and Letters, vol. II, Hráppsey, Iceland, 1778, p. 134.
  - 3 Ibid, p. 135.



respects. It reveals, that betrothed persons in Iceland, as well as in Denmark, were prone to consider themselves as virtually married, but this sort of behaviour is strongly disapproved in the resolution and made subject to punishment. Also it may be discerned, that some people were cohabiting without the betrothal having been concluded<sup>1</sup>.

King Christian the Fourth introduced a new Church Ordinance in 1607, which was made law for Iceland in 1622. It includes a short chapter on marriage, which is but an abbreviated version of the Articles on Marriage, and does not, accordingly, call for an elaboration. There is, however, one article which interests us, in that it throws some light upon the significance people were ascribing to the new institution of engagement. The article is as follows: "But if these persons" (i.e. those engaged) "have moved to each other, which happens far too often ... they must be severely punished. Under no circumstances shall they be allowed to live together, unless they get married"<sup>2</sup>.

Two letters from 1616, the second being in fact a marriage contract, offer a very good illustration of the procedure leading to the constitution of marriage in the seventeenth century<sup>3</sup>. First, there is drawn up a contract between the bridegroom's father and the legal guardian of the bride, specifying the contributions from each side to the marriage pool. Five months later this contract is ratified, but by then the public announcements were already over. Next the betrothal ceremony took place in the presence of witnesses. Finally, there follows the wedding in Church. - Undoubtedly, this procedure is exactly the same as Jus Eccl. Nev. prescribes, in which the betrothal ceremony, preceded by the public announcements, is central in legal importance.

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1 Acta Comit. Gen. Islandiae, vol. III, p. 56.

2 Icel. Law Coll., vol. I, p. 152 (Italics mine).

3 Acta Comit. Gen. Islandiae, vol. V, pp. 524 ff.

A court decision from 1648 illustrates, in its own way, the matrimonial significance accorded to the betrothal ceremony<sup>1</sup>. The case in point centred around a maternal grandfather of a certain child who questioned the legal rights of the father to the child's inheritance, as it had been born in the period between the drawing up of the marriage contract and the betrothal ceremony, - the implication being, that had the child been born after the betrothal ceremony the father would have been the unquestioned heir. The court decided on the other hand, that the father was the legal heir, because he had eventually concluded his marriage in a legal way, i.e. the betrothal ceremony had been concluded. But this decision was in full agreement with the old legal principle, which stated, that once a man is legally betrothed to a woman, all their children become legitimate, whether they are born before betrothal or after<sup>2</sup>. This court decision shows furthermore, that sexual relationship between betrothed persons was publicly accepted by the law.

A case from 1662 reveals a similar attitude to sexual intimacy between those already betrothed. Bishop Brynjolfur Sveinsson (1639-74) sends a girl to the magistrate, in order that she be submitted to an oath to the effect, that her sexual relationship with N.W. had actually taken place after the betrothal ceremony, - the implication being that she was innocent, morally as well as legally, if this could be established.

Dr. Jon Helgason, writing about the period 1630-1685, describes the marriage procedure as follows: "There were three stages in the process leading to the constitution of marriage and at every stage the presence of a pastor was required<sup>3</sup>. First, there was the making of the marriage contract,

1 Ibid, vol. VI, p. 237.

2 Cf. Jus Eccl. Nov., p. 112.

3 It is significant that this requirement of a priestly participation at each and every stage of the marital process, the first traces of which appeared in the Roman Catholic Jus Eccl. Nov., should first be actualized in the post-Reformation period.

followed by the three announcements in Church. Next, the betrothal ceremony was performed, in the morning of the day of the wedding, the old betrothal formula still being recited: "From now on you are my legal wife ...". Finally, there was the Church wedding<sup>1</sup>. - This description of the constitution of marriage in the latter part of the seventeenth century is parallel to our earlier example from 1616.

It is indeed quite remarkable, how little impact the Articles on Marriage had in fact made, considering the repeated admonitions from the Royal Administration to the effect, that this legislation should be conclusive in marital affairs. The betrothal ceremony, including the betrothal formula, still maintained its central position, a fact which actually implied, that the constitution of marriage was essentially a civil matter.

Matters being as they were, it does not come as a surprise when a Royal emissary, Ludwig Harboe by name, makes the following comment after his visit to Iceland: "... as far as marriage is concerned there are many things that go wrong"<sup>2</sup>. Harboe had been commissioned to his visit to Iceland by a council which was set up in Copenhagen under the influence of the Pietistic movement within the Danish Church. He made his trip to Iceland in 1741. Later he became bishop in Trondheim in Norway, and after that bishop in Denmark. Harboe stayed in Iceland for four years, in which time he travelled extensively and got to know national affairs and matters concerning the Church first hand. He found the general situation lacking in many respects, and through his work there were introduced several new regulations during the years 1742-46 to put things right. Among these regulations was one on Confirmation, another on the Sabbath, the third on domestic discipline ("Disciplina domestica"), and still another on marriage, under the heading: "A

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1 Icelandic Church History, vol. II, p. 200.

2 Icel. Law Coll., vol. II, pp. 600 ff.

Regulation about a variety of things concerning Marriage and against Fornication in Iceland. Hirschholm June 3rd 1746<sup>1</sup>.

In introductory words the regulation affirms, similar to Harboe's previous comment, that there are certain things that go wrong in marital affairs. Three instances of misbehaviour are mentioned. First, there are people who do not heed the public announcements as they come to consider marriage. Secondly, there are those who after the engagement put off the wedding for unforeseeable time. Finally, there is a reference to such persons as try to escape Church discipline, after having committed a marital offence, by moving to another part of the country. - The regulation is divided into fifteen articles, but we will confine ourselves to the discussion of the first four, as these articles are of most importance to our immediate study.

(1) Marriage without the consent of parents or their substitutes shall not be allowed. If parents, however, are not able to present a reasonable case in favour of their refusal, the magistrate must intervene and make the marriage possible.

(2) No one shall be married, unless he, or she, has received some Christian education, and one of the partners at least must be able to read.

(3) Three Sundays in succession, after the conclusion of engagement, public announcements shall be made on behalf of all those who wish to enter the state of matrimony ... When the third announcement is over, the couple shall be married on the following Sunday, on which day, however, it shall not be allowed to perform the so called betrothal ceremony, as used to be the rule ... Those, who without a legal excuse put off their marriage any longer, shall be fined. Likewise, those who have received a permission to marry

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1 Ibid, p. 600.

within the prohibited degrees must immediately get married. If they do not, they shall, after a short notice, be separated at once, and they forfeit their privilege to get married at the same time ...

(4) It shall not be permitted, for a man and a woman, who intend to get married, to start living together prior to the engagement. When this happens, the pastor must arrange their immediate engagement, followed by the wedding according to the previous article<sup>1</sup>.

The first thing to be said about this regulation is the recognition of the fact, that it is not conceived of as a new legislation on marriage. Rather, it is to be seen as directed against those aspects of marital affairs in the country, which had developed in opposition to the intents and purposes of the Articles on Marriage from 1587. But precisely as such the regulation is an important pointer to the common practices in matters relating to marriage around the middle of the eighteenth century. - We have already seen what Troels-Lund said about the common understanding of the Danish people with regard to the new institution of engagement. He maintained, that the majority of the population had not made the distinction between the old betrothal ceremony and the new engagement institution, at least as far as the privilege for engaged persons to lead a married way of life concerns. We have discussed the likelihood of the same kind of misinterpretation among the Icelandic people, and now it seems to us that the regulation from 1746 provides further support to that suggestion. Two out of three instances of misbehaviour, mentioned in the introduction, reflect the cohabitation of people before marriage. The first of these concerns the dismissal of the public announcements, which could be an indication of the fact, that those concerned saw betrothal and engagement as one and the same event, inas-

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1 Ibid, pp. 600-601 (Italics mine).



much as no announcements were to take place after the betrothal ceremony according to Jus Eccl. Nov. Once the identification of these two institutions has happened, it is easy to understand the argument that the public announcements after the engagement ceremony are unnecessary, or even senseless.

The later instance of misbehaviour refers to people who apparently take the engagement ceremony to be a sufficient ground for a married way of life, but this reference is of course a direct testimony to cohabitation before marriage.

When we look at the central articles of the regulation itself, it is easily seen that they are framed in such a way as to make certain, that those engaged to be married should not be looked upon as man and wife. The fact that engagement is just the beginning, and not the conclusion, of a legally constituted marriage, is underlined through the instructions about the public announcements due to take place after the engagement ceremony. The article, prescribing marriage on the next Sunday immediately after the final announcement, demonstrates the urgency ascribed to the wedding, once the marital process has been entered into. Then there is the clause referring to those, who have received a permission to marry within the prohibited degrees, - they must get married at once. Apparently the permission by itself had been interpreted by some people as a warrant for cohabitation. The fourth article expresses directly the underlying tenor of the former articles by simply forbidding cohabitation. Rather surprisingly, however, it looks as if the exact words of this article do imply, that sexual intimacy between engaged persons is not frowned upon, provided they follow the prescriptions of the previous article about the public announcements and

the wedding in every respect<sup>1</sup>. Last, but not least, it is important in this connection to pay attention to the dismissal of the betrothal ceremony, which is ordered in the third article<sup>2</sup>. As long as the formula, "... and from now on you are my legal wife", was recited at a ceremony clearly distinguished from the Church wedding proper, it was bound to be difficult to suppress the view that the married way of life was both legally and morally open to betrothed persons.

At the same time as one can see that the regulation from 1746 is directed against cohabitation, it is also clearly visible that it presents a further development of that ecclesiastical policy, with regard to the constitution of marriage, which was introduced in the Articles on Marriage in 1587. These two things come naturally together, inasmuch as the ecclesiastical mood strives for the recognition, that only through Church wedding do man and woman acquire the privilege to enter a married way of life. In particular it is the dismissal of the betrothal ceremony which demonstrates the ecclesiastical direction of this regulation. Whereas the Articles on Marriage had simply ignored the ceremony, thus leaving no opening for a civil conception of marriage, the regulation from 1746 found it necessary, from past experience, directly to outlaw the betrothal ceremony. From now on there should be no doubt whatsoever, that the constitution of marriage is exclusively an ecclesiastical concern. Furthermore, it is first by this regulation that some Christian knowledge is made a condition of entering into marriage.

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- 1 If this is in fact implied, it is interesting to note the resemblance between this point of view and the contemporary way of looking at the cohabitation of engaged persons, according to which the cohabitation is justified within the context of marriage, not too far off, of. the following chapter.
  - 2 Apparently this instruction was respected, and the old betrothal ceremony disappears about the middle of the eighteenth century, cf. the now often quoted words of G. Thorkelin about the betrothal formula, written in 1777: "Haec formula in Jure Eccl. Reformato retenta, ad nostra usque usitata fuit tempora, hodie tamen abrogata est." - Op. cit., p. 112 (Italics mine).

From various sources it appears, that diverse opinions were held with regard to pre-marital relationships, both before and after the introduction of the regulation in 1746. One such source is a letter from the King, written in 1735 and addressed to the King's Commissioner and the two bishops<sup>1</sup>. The origin of the letter is explained as being the refusal of a certain pastor to administer the Lord's Supper to a married couple, unless they offer public penance, as their child had been born 22 weeks after their marriage. Bishop Jon Arnason (1722-43) had written a letter to the Administration in Copenhagen concerning this matter, but called for further instructions as well, as how to react to "... such persons in this country, who either have taken up sexual relationship following the engagement and thus begotten a child prior to their entry into the holy state of matrimonium, or, have secretly been engaged in fornication, resulting in the birth of a child shortly after the constitution of marriage. Shall these persons offer public penance or not ... but there are disputes and diverse meanings about this matter?" The reply from the King is to the effect that those who eventually marry, shall not be publicly reprimanded, but should be fined according to the decree from 1564. - At the same time as this letter reveals the presence of "diverse meanings" as to premarital relationships, the very fact of its existence throws some light on the extent of these practices at this time.

Another royal letter of similar concern dates from 1762<sup>2</sup>. In this letter reference is made to a woman, whose child was born 12 weeks after the wedding. The sheriff demanded fines, of. the previous letter, but the decision of the royal letter states, that these fines should not be applied, as the marriage had been constituted prior to the birth of the child. This

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1 Icel. Law Coll., vol. II, p. 225.

2 Ibid, p. 444.

decision shall be the norm for the future.

It looks as if by this latter letter the regulation from 1746 is contradicted, inasmuch as it abolishes all punishments for cohabitation when followed by marriage. The main purpose of this decision must, however, be seen as the enhancement of the institution of marriage, and as an attempt to induce people to marry.

For further information about the attitude of the lawgiver with regard to premarital relationship a third royal writ may be consulted, but this letter, dated 1763, deals with the question of the introduction of married women into Church after birth. - This custom had its roots far back in the pre-Reformation era, the oldest reference to it in Iceland dating back to 1224<sup>1</sup>. As late as the early twentieth century, married women were still being "led into Church" in this country, but by that time the ceremony had changed considerably<sup>2</sup>. - In the royal letter from 1763 reference is made to a pastor who had refused to introduce a married woman into Church, because the child had been born only five months after her marriage. But the dean, the bishop, and a court of deans had all decreed, that the woman concerned should enjoy the same privilege as any other married woman in being properly introduced. The royal writ emphatically confirmed this decree, as its concluding words indicate: "... and it is your duty" (referring to the bishop), "if disputes of this kind develop in the future, to inform the clergy in your diocese, that all married women who have a child after they are married, whether it be a short or a long time after, shall without exception be introduced according to the usual ceremony"<sup>3</sup>.

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1 Cf. Dipl. Isl., vol. I, p. 437.

2 Cf. Jon Petursson: Kirkjurettur (Church Law), 2nd ed., Reykjavik 1890, p. 131.

3 Icel. Law Coll., vol. III, p. 464.



The introduction of women was an institution of great importance, not only for the woman concerned, with regard to her respectability, but even more so for the child as this ceremony was in fact a public recognition of its legitimacy. This importance further added to the significance of marriage, of course. Even so, there is another side to the royal writ which bears upon the question of premarital relationships. Viewed from this side the fact emerges, that the leaders of the Church as well as the royal legislative authorities seem to justify premarital relationship within the context of an ensuing marriage. In other words, the impression left by the letter from 1762 and the fourth article in the regulation from 1746 is here confirmed.

The conclusions drawn from this immediate discussion should not, however, be allowed to belittle the fact, that in the regulation on marriage of 1746 a great effort was made to establish the non-marriage-creating-significance of the engagement ceremony. In full realization of the fact that the old betrothal ceremony had heavily contributed towards the opposite interpretation of engagement, it was forbidden as previously described. The carefully worked out instructions, which the regulation contains about engagement, may indeed be interpreted as an attempt to re-establish this institution in the original form given to it by the Articles on Marriage. This attempt failed, however, as is best demonstrated by the fact, that the engagement ceremony was shortly after abolished altogether in a royal writ from January 4th 1799! But before this drastic measure was taken, which we will discuss presently, a final attempt was made to keep the institution alive in its appropriate form. This was done through a special resolution on engagement in 1783, but by then it had already been introduced in Denmark



and Norway. In introductory words it is said that various undesirable customs have developed around the engagement ceremony in these countries, e.g. costly festivities. The first article, then, prohibits such festivities to celebrate the engagement. The second article runs as follows: "After the engagement, the pastor of the bride to be shall on the following Sunday make the first announcement from the pulpit, irrespective of whether the engaged couple request it or not, and after three announcements have been made, the wedding must take place within the sixth Sunday." Third article: "It is the duty of the pastor to make sure that the wedding is concluded within the time limit prescribed in the previous article. In case the wedding has not taken place in due time, the pastor must summon the couple and ask them, in the presence of his assistant, to justify this delay." Fourth article: "If, however, the couple, either one of them or both, ask for a further delay of the wedding, this shall not be granted ... in case four more weeks pass without the wedding taking place, the pastor should notify the bishop ..."  
Fifth article: Dissolution of engagement is possible in terms of the Articles on Marriage. Sixth article: "The engaged persons shall not be allowed to take common lodgings and live together prior to the wedding; those who do shall be fined ..."  
Seventh article: Different rules apply to the aristocracy<sup>1</sup>.

This regulation reveals that the problems facing the lawgiver with regard to the common interpretation of the ceremonial engagement are still very much the same as the regulation from 1746 tried to overcome. Those engaged apparently were inclined to consider themselves as virtually married! They ignored the public announcements, cf. the second article, where it says that the announcements must start immediately irrespective of their wishes. The

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1 Icel. Law Coll., vol. IV, pp. 680 ff. (Italics mine).

regulation, admittedly, meets the tendency to put off the wedding by extending the time limit from last announcement to the wedding up to six weeks. But this move is counterbalanced by the strict rules on supervision laid down in the third and the fourth article. Finally, the sixth article clearly bears witness to the practice of co-habitation among engaged couples.

It will be appreciated that the need to introduce this new regulation on engagement, after the regulation from 1746 and the abolition of the betrothal ceremony, is in itself an illustration of the fact, how deep-rooted that interpretation of engagement had become, which looked upon this ceremony as identical with the betrothal ceremony, at least as far as the privilege to lead a married way of life concerns. Repeated attempts to establish, that this interpretation was in fact very wrong, had all failed. When finally this last attempt in 1783 also proves unsuccessful, there is at last taken the next logical step in this effort to protect the exclusiveness of the wedding ceremony. This step is taken by abolishing the engagement ceremony altogether. The royal writ to this effect is dated January 4th 1799 and runs as follows: "A resolution by which the engagement ceremony is abolished ... We Christian the Seventh etc. make known the following: As we have taken into consideration the fact, that engagement ... is both an unnecessary ceremony in itself, and it often proves to be a burden to our less well-to-do subjects, as well as a waste of time and money, we have decreed as follows:- That engagement shall from now on be altogether abolished. Accordingly, anyone who wants to enter the state of matrimony must be wed in Church without a preceding engagement. The public announcements, however, shall continue as before ..."<sup>1</sup>.

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1 Ibid, vol. VI, p. 352 (Italics mine).

Regardless of what is said there in the introduction about the origin of this legislation, it seems likely that the main reason behind it is expressed in those words of the regulation proper, which state, that anyone who wants to get married must be wed in Church. It can hardly be a mere coincidence, that at the same time as the engagement ceremony is abolished, the necessity of the wedding is affirmed in no uncertain words, just as this necessity had not been as urgent while engagement was obligatory! In the light of the previous discussion we consider the main reason for the abolition of the engagement ceremony to be the fact, that this ceremony had become a temporary alternative to the wedding proper, very much contrary to the intention of the lawgiver. By this new legislation it was hoped to wipe out the last remnants of the civil conception of marriage, which was congenial to the betrothal ceremony. It is, then, possible to discern the same motif behind the abolition of the engagement ceremony as we saw behind the introduction of this institution, a motif which expresses the exclusive ecclesiastical interpretation of the constitution of marriage.

In view of the fact, that the entry of the engagement ceremony as well as the exit were motivated by ecclesiastical concern, it is somewhat ironical, that its appearance and run of more than two hundred years should in fact turn out to be largely responsible for that later version of engagement, which carries with it as one of its main characteristics such a secular element as a justification for premarital sexual relationships. - A further elaboration of this point awaits later discussion.

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At the same time as the development we have been discussing with regard to the constitution of marriage was taking shape, there was another opposite development with regard to jurisdiction in marital affairs. This latter development moved away from ecclesiastical influence towards a complete civil control over matters of this kind. As we said earlier, jurisdiction in marital affairs during the period immediately after the Reformation was in the hands of the mixed courts. These courts remained the next hundred years or so, but in the latter part of the seventeenth century they had disappeared<sup>1</sup>. The clergy, however, retained for quite some time their say in the handling of marital affairs, especially in cases of divorce. A considerable degree of uncertainty among the Icelandic authorities as to jurisdiction is revealed in several royal writings from the late eighteenth century, cf. the Chancery writings from December 9th 1786, February 15th 1788, October 16th 1790<sup>2</sup>. But these writings also make it clear, that from the point of view of the law-giver, civil jurisdiction in all aspects of marital affairs is increasingly affirmed. The writing from October 16th 1790 is unmistakable in this respect, and so also are the words of a resolution from December 1st 1797 where it says, that cases of divorce ... shall, as any other civil case, be dealt with by a civil court<sup>3</sup>.

In 1821 there was published a small book by Magnus Stephensen, the supreme judge in the Icelandic High Court, in which he makes a study of legal procedures in cases of marital offences and fornication<sup>4</sup>. This book presents an interesting discussion about the development of jurisdiction in marital affairs up to the time of writing. It is not our intention to com-

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1 Cf. B.K. Thorolfsson; Bishop Brynjolfur's "Vaelugerdis"-decree, Nordaala, Reykjavik, 1956, p. 44.

2 Icel. Law Coll., vol. V, pp. 353, 508, 701.

3 Ibid, vol. VI, p. 311.

4 M. Stephensen; Rannsókn Islands gildandi laga um Legordsmal, Videy, Iceland, 1821.

ment any further on this development, but the reason why we mention the book is the fact, that it throws some further light on the question of premarital relationships from a different standpoint than has been done so far in this discussion. Until now the discussion has reflected the official position of the Danish Administration and more indirectly the common practices among the Icelandic people, but in the writing of M. Stephensen there speaks a spokesman of the highest civil authority, who at the same time has deep respect for the traditional Icelandic laws and legal procedures. - Stephensen opens his discussion on premarital sexual relationship by dwelling somewhat on the question, what constitutes marriage. "The Law of Nature", he begins, "demands for a natural and valid marriage only, that a man and a woman agree to live together as man and wife for life and to bring up properly the children they will have. Formal announcements preceding the marriage, or a wedding ceremony performed by a minister of the Church, are not necessary according to this Law. For many centuries the Law did not prescribe these ceremonies, either. ... Later, however, the civil law found it necessary to demand the ceremonial announcement of marriage and its formal constitution, in order to restrain the uncertain nature of love. Priests, however, were not required to wed couples, until with the introduction of canon law, when the papacy had turned marriage into a sacrament ... Even so, men continued to betroth women to themselves with the consent of the due parties according to the prescribed form and in the manner of Jonsbok (i.e. the old Icelandic law-book). The Augsburg Confession from 1530 leaves no prescriptions on this matter ... but first at the Council of Trent in 1563 it was so ordered, that marriages not performed by a priest should be considered as of no legal force". After this introduction Stephensen continues



by discussing cohabitation of engaged people and what royal regulations had said on this matter. He then concludes: "As to fines, however, these general laws were never accepted for Iceland, the specific law of which dealing with fornication never set down any fines against premarital relationships ...; and adding to this the fact, that children, born before wedding, are considered to be legitimate, which always is done when their parents later get married ..., it is hard to punish premarital relationships"<sup>1</sup>.

This argument of the judge explains itself and does not call for much elaboration. But it is rather interesting to see how the author builds up his case in favour of premarital relationships. He apparently is concerned to establish, that this kind of relationship between engaged persons does in fact take place within the context of marriage, both according to the "natural" understanding of marriage and old Icelandic legislation (he is of course referring to the betrothal ceremony). The ecclesiastical intervention, on the other hand, is the off-spring of the papal rule, firmly established by the Council of Trent. - The conclusions drawn from this argument are quite clear; no one reading it can be in any doubt at all, that sexual intimacy between engaged persons is here justified on the basis that they are in fact already married. The fact that this argument comes from the supreme judicial authority in the country makes it all the more significant as a pointer to the climate of opinion surrounding these matters at this time.

Writing on chastity Stephensen makes this revealing comment: "Of bad reputation in that respect is every woman who has given a birth to a child out of wedlock, except it be the child of her fiance, after the first public announcement has taken place or a legal consent has been established, as these have the validity of engagement"<sup>2</sup>. Note here the importance ascribed to en-

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1 Op. cit., pp. 26-29 (Italics mine).

2 Ibid., p. 112 (Italics mine).

gagement more than twenty years after the ceremonial engagement had been abolished. Sexual intimacy is seen as natural once the announcements have begun, but this public act has now replaced the engagement ceremony as the official declaration of engagement.

Considering the facts revealed in this discussion, it does not take us with surprise to hear from the annals of 1820, i.e. at the time of Stephensen's writing, that "... children born out of wedlock were one of every four and five"<sup>1</sup>.

After the abolition of the public engagement ceremony in 1799, it soon became evident that a revision of the legislation on marriage was needed. Since 1746, when the last major marital legislation was introduced, many alterations and innovations had taken place, and this made the need more urgent. The new legislation, however, did not appear until 1824, in a royal writ dated April 30th 1824<sup>2</sup>. According to a Chancery writing from June 16th 1835 this legislation replaced the regulation from June 3rd 1746<sup>3</sup>.

As this new legislation was in force up to the time of the introduction of the contemporary legislation from 1921, we take it to be necessary to mention all the main articles in it:

- (1) Pastors must follow the prescribed marriage-ritual.
- (2) Prior to marriage public announcements of it are to be made three Sundays in succession. The nobility is exempted from the announcements and it is made possible for others to apply for a royal exemption.
- (3) Prior to the first announcement the pastor must make clear whether there are any impediments to the marriage. The following points are the most important: (a) The man must be of full 20 years of age and the woman 16 years

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1 Jon Espolin: *Icelandic Annals*, XIIIth Division, Copenhagen 1855.

2 *Icel. Law Coll.*, vol. VIII, pp. 537 ff.

3 *Ibid*, vol. X, pp. 634 ff.

of age. (b) Both must have been confirmed and have received their first communion. (c) That neither of them is bound by a previous marriage or by a legal promise to enter another marriage. (d) That on account of kinship or affinity, cf. regulation from May 23rd 1800<sup>1</sup>, the marriage may be concluded. (e) At least three months must pass from the death of the former wife before a widower gets remarried and one whole year in the case of a widow. Farmers and labourers, however, whose livelihood makes waiting so long difficult, shall be allowed to remarry within a shorter period of time, viz. in 6 weeks time in the case of a widower and after 3 months in the case of a widow, provided she is not pregnant after her deceased husband. (f) The bride, except she be a widow, must have the consent of her parents or parental substitutes. The same applies to the bridegroom as long as he has not come of age. (g) Those who have committed adultery together must not be married. (h) Insanity excludes marriage. (i) The reception of any kind of unrefundable financial support from the poor fund, at the present or in days past, excludes the recipient from getting married. The local administration of the poor fund, however, has the authority to make exceptions.

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(6) If those to be married have not got married within three months from the last public announcement, the announcements automatically become of no legal force.

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(13) In case a Roman Catholic wants to get married to a woman who belongs to the National Church, the pastor must make sure that the Catholic signs a written statement to the effect, that all their children shall be brought up in the faith of the Evangelical-Lutheran Church.

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1 This regulation refers back to another regulation from December 14th 1775, cf. Icel. Law Coll., vol. IV, p. 185.

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(15) The wedding is to take place in Church.  
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This legislation was not intended to cover the whole range of marital affairs, which is obvious from the fact that it does not deal with the dissolution of marriage at all, except with regard to attempts for reconciliation. The divorce categories remained basically the same as the Articles on Marriage had prescribed, i.e. adultery, malicious desertion, and impotence. There is no mentioning of engagement or of illegal cohabitation, but both these elements had been prominent in earlier legislation and resolutions. With regard to the constitution of marriage it is significant, that the new legislation makes it even more ecclesiastical in character than the earlier legislations had done. We can thus see in this legislation the culmination of that ecclesiastical development, which started with Jus Eccl. Nov. in 1275 and was continued and reinforced by the first "Reformed" marital legislation in 1587. The ecclesiastical mood of the legislation is revealed primarily in the conditions it sets forth about the necessity for all those, who wish to get married, to be communicant members of the Church. Also what there is said about the obligation a Roman Catholic must undergo if he wants to marry a Lutheran woman, and the prescription about Church weddings, both these articles display the tendency towards a complete ecclesiastical rule over the constitution of marriage.

Another element in this legislation that deserves attention is what there is said in the third article about the exclusion from marriage of all those who have received unrefundable support from the poor fund. Questions of this nature were raised already in the seventeenth century as early as 1635, when

the law officer Órnur Vigfússon brought the matter to the attention of the legislative body of the Althing. Bishop Gísli Oddsson (1632-38), together with the members of the legislative body rejected the motion by replying that "marriage should not be forbidden to anyone on account of poverty"<sup>1</sup>. In the eighteenth century this question was again raised several times, but the Royal Administration was consistently opposed to measures of this kind<sup>2</sup>. After the legislation from April 30th 1824 had been introduced, there soon appeared further attempts to debar the poor from marriage. This matter was much discussed by the Althing during and after the middle of the nineteenth century, and supplications were sent in from various parts of the country asking the Althing to make further restrictions with regard to marriages of the very poor. No further measures were taken, however, as the King rejected such proposals in this matter as the Althing had passed<sup>3</sup>.

In 1905 a new Poor Act was introduced, Act no. 44/1905. The 62nd article of this Act stated the following: "No person, man or woman, shall be married as long as he or she is in debt on account of support from the poor fund, unless the local authorities ... give their permission". Considering the fact that the local authorities were chiefly responsible for the proposals to make further restrictions on marriages of the poor, it does not seem likely that such a permission was easy to come by. Articles relating to the financial position of those to be married were all abolished by an Act of Parliament no. 31/1917, and have not been re-introduced since<sup>4</sup>.

It is important to be aware of this marriage impediment when looking at the figures indicating the numbers of illegitimate births during this period,

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1 Acta Com. Gen. Islandise, vol. V, p. 372.

2 Cf. Arn.Snaevarr: "Icelandic court procedures with regard to two marriage impediments from the Reformation to this day", in Festschrift for Dr. jur O. Larusson, Reykjavik 1955, pp. 16 ff.

3 Ibid, p. 19.

4 Ibid, p. 20.



as this law must inevitably have encouraged cohabitation as the obvious solution to this unfortunate class of people. At the same time it is important to realize, that it is the lawgiver himself who by this kind of legislation forces this form of family organisation into being.

The marital legislation from April 30th 1824 was in force until the contemporary legislation was introduced in 1921. Some of the marriage impediments were, however, abolished before that time by Acts of Parliament nos. 30 and 31/1917.

On February 19th 1886 an Act was passed concerning those who do not belong to the National Church. The first main section of this Act bears the heading: "On civil marriage of those who do not belong to the National Church and the religious education of their children"<sup>1</sup>. The first article of this section runs as follows: "It is in order that the civil magistrate perform weddings, marriage thus constituted being of full legal force even though no Church ceremony takes place, provided one of the parties or both do not belong to the National Church". (Italics mine). By this Act civil marriage was re-introduced into Icelandic legislation, but now it appears with some significant characteristics which it did not carry before. Because of the fact, that the constitution of marriage had become ever more ecclesiastical in character, leaving in the end no trace of the civil conception of marriage within the established marital legislation, it was inevitable that civil marriage, once re-introduced, carried with it distinctive secular connotations, secular here used in the meaning of anti-Christian. Thus it is now made a condition to civil marriage, that at least one party does not belong to the National Church. Even though this law has been altered somewhat, the associations it conferred upon civil marriage have not changed, making this form of marriage the refuge of non-believers.

Through this development a worldliness of marriage has been established, which is very far removed from what Luther meant when he spoke of marriage as "ein ausserlich weltlich ding"!

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1 Law Collection, III, Reykjavik, 1888, pp. 335 ff.

### Conclusion

Concluding our historical survey we shall first indicate the broad outlines of the historical development with regard to the constitution of marriage in post-Reformation Iceland, and then make a few comments on this development from the standpoint of Luther's doctrine of the two kingdoms.

From our short review of the situation prior to the Reformation in Iceland, we were made aware of the long-standing tradition of a civil conception of marriage in the shape of the betrothal ceremony. This conception was based on a firm foundation in the law of the land. The Reformation Ordinance of 1537 affirmed, as against canon law and in agreement with the Lutheran principle, the worldliness of marital affairs. We saw how this teaching took shape, in principle at any rate, in the decree from 1564, where a civil court takes over marital jurisdiction. The first major post-Reformation marital legislation, however, the Articles on Marriage from 1567, reveals a distinctive trend towards the establishment of an exclusive ecclesiastical constitution of marriage. In this the lawgiver had the full support of the clergy. The ecclesiastical trend is expressed in the decision to replace the betrothal ceremony with a new institution altogether, the ceremonial engagement. This institution, however, instead of transforming the essential characteristics of the betrothal ceremony, is itself transformed by them. Thus, instead of depriving the betrothal ceremony of its marriage-creating-significance, as it was plainly intended to do, the engagement ceremony is itself exalted to the status of marriage, in so far as the question of sexual intimacy is concerned, anyway. In the common understanding a practical identification has taken place between these two institutions, a fact which is borne out in subsequent efforts of the lawgiver to abolish the betrothal

ceremony and to re-establish the engagement ceremony in its original form and purpose. The futility of these efforts, as far as engagement is concerned, is again borne out by the final decision to abolish this institution altogether. The abolition of the engagement ceremony did not mean the end of engagements, however. A new form of engagement develops, much less formal and less ceremonial than the former, but a distinctive institution all the same. This new form of engagement, which is the precursor to the contemporary engagement institution, took over from the previous one many of its associations, the most important of which, in the context of our subsequent study, was the moral justification of premarital sexual relationship between engaged persons. The argument presented by Judge M. Stephensen some twenty years after the abolition of the ceremonial engagement confirms the reality of this transference of associations.

After the constitution of a legal marriage has finally become fully ecclesiastical in character, civil marriage is re-introduced, carrying inevitably distinctive secular characteristics.

After having thus very briefly given an outline of the historical development, we shall now look at this same development from an altogether different standpoint, which seeks to understand the institution of marriage within the context of the Lutheran doctrine of the two kingdoms. We have already made several references to this context in the course of the discussion, but now we hope to do so more systematically.

In the introductory discussion on the nature of the two kingdoms doctrine we saw how Luther interpreted the relationship between the kingdoms in terms of a dialectical tension between two realities, which must neither be mixed with each other nor altogether separated. To mix the kingdoms is to make

the means of Grace identical with the powers of Man (reason), to separate them altogether is to deny the sovereignty of God over the totality of His creation. In this delicate relationship, an emphasis on either one of the two poles inevitably carries with it the danger of complete separation.

When Luther insisted on the essential worldly character of marriage, as against the sacramental conception of the Roman Church, he was not thereby depriving this institution of any significance to the Christian message, but, rather, he was affirming its characteristic relationship to this message by allocating marriage to the sphere of Law experience under the sovereignty of God. Worldly in this sense, marriage stands in the same relation to the Christian message as the Law stands to the Gospel, in a dynamic, dialectical relationship. This was for Luther the most important aspect of the worldliness of marriage, - as here we may indeed be treading on a holy ground -, whereas the aspects concerned with the administration of marital affairs are on an altogether different level. - It is important to bear this distinction in mind at the beginning of our comments on the post-Reformation development of marital affairs in Iceland, as here the one truly significant worldly aspect of marriage becomes lost to another of a totally different nature.

When the step was taken in the Articles on Marriage to establish the ecclesiastical nature of marriage to the virtual exclusion of non-ecclesiastical elements, the first step was taken towards that complete separation of the worldliness of marriage from the message of the Gospel, which gradually evolved and is a fact of today, cf. later discussion. Viewed from the basic Lutheran understanding of worldliness the old betrothal ceremony contained some elements of fundamental significance. Besides its being an occasion

for a publicly witnessed consensus mutus it involved the personal commitment of the spouses to live together as man and wife for life, for better and for worse. Within this context the privilege of sexual relationship was granted to the spouses. From the Lutheran standpoint, this provides an example of a worldly conception of marriage, that must not be ignored, but needs to be taken into the context of the dialectical relationship between the two kingdoms. The element of personal commitment is particularly important as it carries with it the potentialities of Law experience in terms of the commandment to love one's neighbour as oneself. The ecclesiastical direction of the legislation from 1587 ignored this important worldly aspect of marriage, but as we have seen, this did not mean that this traditional interpretation of what constitutes marriage disappeared. On the contrary, it continued to be very much alive, but increasingly as a form of marriage which is altogether cut off from the Church. This development is but an expression of the fact that the two kingdoms were being torn apart, the spiritual aspect of marriage being confined to the ecclesiastical ceremony, and its worldly aspect being interpreted as in no other relationship to the Church than that of defiance. We said earlier, that the danger of a complete separation of the two kingdoms is inevitably present, whenever one of the poles is greatly emphasized. By Luther the emphasis is very much on the worldly kingdom when he reflects on marriage, so one would expect a separation on this sphere to be accounted for by overemphasizing this point of his. In Iceland, however, it is quite the opposite that actually happens. By consistently affirming the spiritual aspect of marriage, spiritual in the narrow sense of ceremonial-ecclesiastical, a worldly interpretation of marriage is allowed to develop which sees itself completely set apart



from the sovereignty of God. It is worldliness of this kind which the rationalistic-minded M. Stephensen expounds, when he tries to make a case for premarital relationships within the context of a "natural" understanding of marriage. And it is the same kind of worldliness that is borne out by the reasoning of those young couples of today who confine the totality of the Christian message with regard to their marriage to a wedding ceremony, which is "a mere formality".

How far we are here from Luther's concept of worldliness is vividly brought out by the fact, that he makes use of this concept exactly to find expression for the totality of God's sovereignty which leaves absolutely no sphere of His Creation untouched by His Law.

## APPENDIX I

The Marriage Rite, according to Bishop Martein Einarsson's Manual (Service Book) for Icelandic pastors, Copenhagen 1555.

The preface to the Rite is almost identical in terms to Luther's preface to his "Traubuchlein für einfältigen Pfarrer" (1529).

The match-making agreement is confirmed in the presence of the parson, who reminds the couple that proclamation of Banns must be made on three Sundays before the betrothal ceremony can take place.

At the day appointed for the solemnization of Matrimony, the persons to be married shall come to the Church on a Sunday morning, as is the custom in the land, in good time. The marriage agreement shall now be restated, after which the betrothal ceremony takes place. The couple then proceed to the Church and are met by the pastor at the Church door. The pastor addresses them, saying:

"The Grace of the Lord be with you, Amen."

"You are joined here today, according to a divine ordinance, so as to be from now on both as one man, as long as you live, according to the Scripture. The greatest honour, however, ascribed to this bond is that it was ordered by God in Paradise. Now you shall acknowledge before God and Holy Church, and finally before me your mutual consent to this bond.

Will you, N.daughter, take this man to be your husband in sickness and in health?

She says:

Yes.

Will you, N.son, take this woman/maiden to be your wife in sickness and in health, and in whatever shall fall upon you as long as you both live?

Both say:

Yes.

At this stage the betrothal ring may be produced, if so is desired, upon which the pastor shall say: As this ring has no end, so also your love shall be without end, and pure, as long as you both live.

The couple shall now join hands. The pastor places his hand on theirs and speaks:

In accordance to the marriage agreement, already confirmed in the presence of honourable persons, I hereby give this woman/maiden to you, G. son, so witnessed by God and honourable persons, to a life-long union, for what has been joined by God, no man shall put asunder.

Thereupon the pastor shall bless the marriage, saying:

In the name of the Father, the Son, and the Holy Ghost.

When this has been concluded the married couple shall enter the Church, the pastor shall hold the bridegroom's hand, and the latter the hand of his bride, and together they shall recite the hymn "Beati ones" in their mother-tongue. (the hymn follows in Icelandic)

After the sermon the couple shall kneel before the Altar, while the pastor reads to them from the Word of God. The pastor turns to the Altar and reads:

And the Lord God said, "It is not good that the man should be alone, I will make him a helper to stay with him". So the Lord God caused a deep sleep to fall upon the man, and while he slept he took one of his ribs and closed up its place with flesh; and the rib which the Lord God had taken from the man he made into a woman and brought her to the man. Then the man said, "This at last is bone of my bones and flesh of my flesh; she shall be called Woman, because she was taken out of Man". Therefore a man leaves his father and his mother and cleaves to his wife, and they become one flesh.



The pastor shall now turn to the couple and speak to them as follows:  
As you now have committed yourselves to the state of matrimony in the Name of God then hear first the Commandment of God over this state:

"Husbands, love your wives, as Christ loved the church and gave himself up for her, that he might sanctify her, having cleansed her by the washing of water with the word, that the church might be presented before him in splendour without spot or wrinkle or any such thing, that she might be holy and without blemish. Even so husbands should love their wives as their own bodies. He who loves his wife loves himself. For no man ever hates his own flesh, but nourishes and cherishes it, as Christ does the church. Wives, be subject to your husbands, as to the Lord. For the husband is the head of the wife as Christ is the head of the church, his body, and is himself its Saviour. As the church is subject to Christ so let wives also be subject in everything to their husbands."

Secondly, you shall hear about the cross which God has laid upon your state. "The Lord God said to the woman, "I will greatly multiply your pain in child-bearing; in pain you shall bring forth children, yet your desire shall be for your husband, and he shall rule over you".

And to Adam he said,

"Because you have listened to the voice of your wife, and have eaten of the tree of which I commanded you, "You shall not eat of it", cursed is the ground because of you; in toil you shall eat of it all the days of your life; thorns and thistles it shall bring forth to you; and you shall eat the plants of the field. In the sweat of your face you shall eat bread till you return to the ground, for out of it you were taken; you are dust, and to dust you shall return".

Thirdly, you shall take comfort in the knowledge and belief that your state is pleasing to God and blessed by Him, for thus say the Scriptures:

"So God created man in his own image, in the image of God he created him; male and female he created them. And God blessed them, and God said to them, "Be fruitful and multiply, and fill the earth and subdue it; and have dominion over the fish of the sea and over the birds of the air and over every living thing that moves upon the earth". And God saw everything that he had made, and behold, it was very good".

Therefore spoke Solomon:

"He who finds a wife finds a good thing, and obtains favour from the Lord".

Now the pastor shall lay his hands over the married couple and pray as follows:

All-powerful Lord God, who created them male and female and ordered them to the state of matrimony, and blessed them furthermore with a bodily offspring, therein symbolizing the sacrament of your beloved Son and the Church, his Bride, we beseech thine immeasurable good-will that you shall not want to let this thine creation, order, and blessing come to nought, or be destroyed, but that you shall mercifully protect it through our Lord Jesus Christ. Amen.

(Note: The selection of biblical texts and the concluding prayer  
are identical to Luther's "Traubuchlein")



## APPENDIX II

Extracts from a sermon by Bishop Jon Vidalin (1698-1720) on John 2:1 ff,  
the Marriage at Cana.<sup>1</sup>

### Exordium

I betrothed you to Christ, to present you as a pure bride to her one husband, writes St. Paul, 2 Cor. 11. Who would have dared to speak in such terms about the unity between God and Man if the Spirit of God had not first laid such words on the lips of His Saints? Not that we should be surprised, for the words are but meant to express what is the fact. Through the mystery of the incarnation of our Lord God has become united with human nature, the heavenly with the earthly, the eternal with the mortal, the visible with the invisible, the created with what has not been created, - and this unity has been made effective through so strong a bond that it may not be dissolved. Besides, those who love God are with Christ even one Spirit. It is this inexorable mystery which it has pleased the eternal wisdom to symbolize through the relationship between mortal men, where Man and Woman come together in an honourable and holy matrimony. Now, even though there can hardly be any comparison between heavenly and earthly things, the unity between God and Man may be said to be much alike a Christian matrimony; the author of one as of the other is the God Almighty; the unity in both instances has been established by the Love of God ... But, as it has pleased the eternal God to symbolize things of sublime nature through the life together in marriage, so let us be mindful, brethren, what honour and respect we are due to offer to this holy state.

### Expositio

There was a marriage at Cana in Galilee, the text says ... It is very

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1 Jon Vidalin: *Nuss-Postilla*, Editio X, Nolum i Hjalteadal 1798, pp. 132 ff.

clear that here some devout persons were entering their marriage, because otherwise the mother of Jesus would not have honoured them by her presence. From this people may learn that they should seek the advice of god-fearing persons when marriage first comes to be considered, and should not rush blindly into this matter ... Marriage is like the war, you cannot get lost twice. Once you have fallen on the battlefield you will never rise again, and once you have entered marriage you must expect to live with the lot you have chosen for the rest of your life ... The sons of this world ask first after wealth, as one would expect. For where their wealth is, there also is their heart, Mt. 6 ... Others look for a worthy family and a noble parentage ... Those who are still more foolish let themselves be taken in by appearance, and in this way, I fear, many people conclude the covenant which nothing may dissolve, in an orderly manner, except the Death.

O, my Lord Jesus! What is man that thou art mindful of him, and the son of man that thou dost care for him? The righteous for the unrighteous, the immortal for the mortal, and the King of Glory for the Slave of Sin? But all this you have done, my Lord, so as to teach your children how they shall enter the covenant which you have chosen to be a parable of your divine love for us men ... But how often is the preparation for marriage and the life in marriage different from the love of Christ for his Bride! Many are those who let themselves be guided by lust and caprice when they approach this honourable state of matrimony, unconcerned whether they will be able to support a family of their own, and whether they possess the wisdom and the maturity so as to bring up their children in the fear of God and in good manners. Far too many people rush together with hardly any more foresight than do horses and mules, and after the lust has been quenched in a while they part from each other, or they may live in marriage as a pack of wolves. Fornication this is and no honourable matrimony, for even though it may pass as marriage before men the judgment of God is not the same as the judgment of men ...

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### III. Marriage and the Family in a present day Icelandic community

In the chapter that follows an attempt will be made to present a sociological analysis of some aspects of marriage and family life in Icelandic society of today. For these purposes one specific town community was chosen, a decision which inevitably narrows the scope of the study but on the other hand makes a much more detailed investigation possible. Also I believe that in the course of the study I came into contact with some of the major aspects of marriage and the family which characterise these institutions in contemporary Icelandic society as a whole. Finally, even though I make no claim to offer a nation-wide picture of my issue I was able to approach the main components of that issue in their indigenous setting. I shall later on give further details as to the nature of the study, the choice of community, and the methods of investigation.

It seems safe to suggest that the one major reason why Iceland is referred to in contemporary sociological discussion on marriage and the family is the fact that it presents by far the highest rate of illegitimate births in Europe<sup>1</sup>. In 1957 the national average of illegitimate births was 24.9 per cent (still births incl.) as compared to Austria 13.3 per cent, Portugal 10.5 per cent, and Sweden 10.1 per cent. Other countries had lower rates. This exceptionally high figure for Iceland makes it obvious that the question of illegitimacy suggests itself with great urgency as soon as one becomes engaged in a study of marriage and the family in Icelandic society. It will be seen that the following study is characterised by the awareness of this

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1 Cf. W.J. Goode: *World Revolution and Family Patterns*, Glencoe 1963, p. 384. Same author: *Illegitimacy, Anomie, and Cultural Penetration*, in W.J. Goode (ed.), *Readings on the Family and Society*, New Jersey, 1964, p. 38. Virginia Wimperis: *The Unmarried Mother and Her Child*, London 1960, p. 36.



urgency<sup>1</sup>. The question of illegitimacy, however, can be approached in different ways. The American sociologist, Kingsley Davis, writing on "Illegitimacy and the Social Structure"<sup>2</sup>, distinguishes between two basic approaches to the question, what he calls the "social welfare approach" on one hand, and the "sociological approach" on the other. The basic difference between these two, Davis affirms, is the fact that the former starts from the definition of illegitimacy as a social problem and moves on from there to look into the causes and circumstances of particular illegitimate births, whereas the latter, the sociological approach, seeks to elicit and to understand the norms which define some births as legitimate and others as illegitimate. Through this latter approach illegitimacy is brought into a functional relationship with legitimacy, the implication being that you cannot get to grips with the former unless you are fully aware of the nature and reality of the latter. Illegitimacy, therefore, should not be studied in isolation, as it were, but rather in its organic relationship with the existent pattern of family organization in the society being studied, and, eventually, in its relation to the total social structure. It is this second approach that has been chosen for the present study as it serves my specific purposes most awardingly, viz. to look into some aspects of marriage and the family in contemporary Iceland and at the same time to throw some light upon the singularity of Iceland among its fellow European nations as regards the question of illegitimacy.

Before I enter upon the actual social investigation, however, it will be of some importance to give a short account of the Icelandic marital legis-

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1 If the statement made by Professor W.J. Goode of Columbia University is correct that "legitimacy is the keystone of the family system" (ibid, p. 38) there would seem to be ample justification for our approach to the question of family and marriage in Icelandic society.

2 The American Journal of Sociology, 45 (September, 1939), 215-233.

lation as it stands today, including the law relating to the position of legitimate and illegitimate children.



### The Family and the Law

The contemporary marital legislation is incorporated in two basic laws from the early nineteen thirties, Act 39/1921 about the constitution and dissolution of marriage, and Act 20/1923 about the financial aspects of marriage. The legislation as a whole is based upon the resolutions of law committees from Denmark, Sweden, and Norway, which in 1910 were given the task to revise and to co-ordinate Scandinavian marital legislation. This legal co-operation resulted in the introduction of new and uniform marital legislation for all the Scandinavian countries in the years 1917-1929, including Iceland<sup>1</sup>.

1. The first article of Act 39/1921 contains a clause on engagement. This is defined as the presence between a man and a woman of a mutual consent to marry. The consent need not be formal or public and the promise to marry can be broken by either party as it pleases him or her. There are no legal obligations involved in engagement, financial or otherwise, but in case of an arbitrary dissolution of the union by one party he is in some exceptional circumstances liable to provide financial compensation, e.g. if a girl who has been deserted proves to be pregnant.

a. The legal requirements for a valid marriage are as follows: (1) The bridegroom must be full 21 years of age and the bride 18 years of age<sup>2</sup>. Exceptions from these limits are allowed, but the law does not determine further in what kinds of circumstances these should be made. In practice an exception is readily available for a girl not younger than 17 and for a boy of 20, but anything below this limit makes exception much more difficult to

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1 Cf. A Snaevarr: "Family Law", a special print from "Ulfjotur", the journal of Icelandic law students, vol. 3, 1959.

2 Prior to this legislation the age limits were 20 and 16 respectively.

obtain. Pregnancy is seen as a genuine ground for an exception<sup>1</sup>. (2) Both parties must have the consent of their parents or their legal substitutes as long as they are under 21 years of age. This condition does not apply, however, in case of a second marriage. (3) In terms of kinship and affinity marriage is forbidden between relatives in a direct line and between brothers and sisters, be it full- or half brothers and sisters. A special permission is needed to marry one's brother's or sister's daughter and/or son. Marriage between parents-in-law and children-in-law is forbidden as it is between step-parents and step-children. (4) Those insane and idiotic are excluded from marriage and so also are those who are infected by venereal disease, epilepsy, leprosy, and infectious tuberculosis. (5) Bigamy is a criminal offence. After the dissolution of marriage, by death or by divorce, a woman must not re-marry within the next ten months, unless it is established beyond any doubt that she is not pregnant. All financial arrangements belonging to the earlier marriage, division of property, etc., must be concluded, or have reached a conclusory stage before the second marriage can take place.

b. The wedding. According to the law the wedding can be either ecclesiastic or civil. Both types are of exactly the same status as far as the law is concerned. A minister of the National Lutheran Church is not under legal obligation to celebrate marriage unless both spouses are members of the National Church and at least one of them is his own parishioner. Civil marriage is open to all who fulfill the requirements set by the law for entering marriage. Public announcement shall be made three weeks before the wedding. A marriage license, however, may replace the announcements and

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1 Cf. Dr. juris. Th. Ryjolfsson, "Icelandic Marital Legislation", in Hannes Jonsson (ed.) The Family and Marriage (orig. Icelandic), Reykjavik 1963, p. 104.

the practice of making public announcements is in fact virtually unheard of today. The wedding ceremony must take place in the presence of two witnesses who are held responsible for the legality of the marriage.

2. The financial aspects of marriage. Act 20/1923 introduced financial equality between the spouses. Such property as the parties bring with them into the marriage remain their personal property and each spouse has control over what is his or hers. The technical term for this property is "marriage property". Occupational incomes, inheritance, and gifts, received after the constitution of marriage, are classified as marriage property unless special arrangements are made, cf. the next paragraph. Exceptions from the sole control of each spouse over his or her marriage property are made in cases of primary importance for the maintenance and well-being of the home. Thus an agreement between the spouses is necessary in case of the disposal of the house or flat. The most important characteristic of marriage property for the purposes of our subsequent study is, however, the fact that it remains potentially common property. This is borne out in case of divorce, as then the marriage properties of both spouses are pooled in order to be subsequently evenly divided between the two parties.

Besides "marriage property" property can be held in marriage as "special property". The chief distinction between the two rests with the fact that special property is not pooled with marriage property at the dissolution of marriage but remains the separate property of each spouse, or in case of death, of the surviving spouse. Usually property becomes "special property" through a legal contract between the spouses. Gifts and inheritance may also become special property if conditions to this effect have been made.

The legislation set forth in Act 20/1923 was different from earlier

legislation on marital finance in that it tended to regard man and wife as two independent individuals, responsible for their own financial affairs. In one area of living, however, - taxation - the law has persisted in regarding husband and wife as one. - Because of the very considerable significance of this type of joint taxation for the development of certain patterns of family organization it seems necessary to go into this aspect of marital finance in some detail.

Acts 9/1935 and 20/1942 on Income and Property Tax maintained the rule of joint taxation of married couples. In the early nineteen fifties there was considerable parliamentary discussion on the question of joint taxation of husband and wife and in 1952 there appeared a private member's bill calling for a new legislation which would introduce independent taxation of married couples. The spokesman for the bill claimed the rule of joint taxation to be most unfavourable to those couples where the wife took employment outside the home and figures were quoted to show how much more economical it would be for people to remain unmarried in circumstances of this nature. In the course of the debate it was suggested that the rule of joint taxation was largely responsible for the exceptionally high rate of illegitimacy in Iceland<sup>1</sup>. - The bill was defeated -. In 1954 it was passed as law that allowance should be granted to those entering marriage, the amount equal to the personal allowance of a married man to be withdrawn from the total annual income of the year of marriage.

In 1957 the minister of finance summoned a committee "to look into the position of married couples with regard to taxation and to bring forward proposals on the subject"<sup>2</sup>. In the findings of this committee it says that the inequality between those married and not married stands out most clearly

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1 Cf. "Parliamentary Proceedings", Reykjavik 1953, pp. 338 ff.

2 Ibid, A 1957, pp. 854 ff.

when the taxation of those married, where both husband and wife are income earners, is compared with the taxation of those cohabiting who are taxed separately. The committee presented the following tables, compiled by the Internal Revenue Office, in order to bring home its point:

I.

<u>Net income</u>	<u>Married couples Income Tax</u>	<u>Two individuals Income Tax</u>	<u>Difference</u>
1. 160,000 Icel. cr.	33,440 Icel. cr.	17,620 Icel. cr.	15,820 Icel. cr.
2. 140,000 "	25,760 "	12,490 "	13,270 "
3. 120,000 "	18,760 "	8,360 "	10,400 "
4. 100,000 "	12,530 "	5,230 "	7,300 "
5. 80,000 "	6,750 "	3,000 "	3,750 "

II. State employees

<u>Classes of income</u>	<u>Total income</u>	<u>Married couples Income Tax</u>	<u>Two individ. Income Tax</u>	<u>Difference</u>
1. V + V	153,300 Icel. cr.	30,760 Icel. cr.	15,814 Icel. cr.	14,946 Icel. cr.
2. VI + IX	128,100 "	21,595 "	10,109 "	11,486 "
3. VII + X	120,225 "	18,830 "	8,632 "	10,198 "
4. VIII + XII	107,625 "	14,810 "	6,640 "	8,170 "
5. IX + XIII	99,225 "	12,290 "	5,422 "	6,868 "

In the proposals set forth by the committee the most important point was to the effect that 50 per cent of wife's earnings from employment outside the home should become tax-free income, or if it should turn out to be more economical these earnings should as a whole be taxed separately. In 1958 this article was passed as law.

The main points of the taxation legislation directly affecting marital



finance as it stands today are the following: Total Income Tax consists of two separate taxes, State Income Tax and Municipal Income Tax.

State Income Tax. (1) The main rule is joint taxation of married couples. If the wife has employment outside the home 50 per cent of her earnings are made tax-free income. Alternatively, her total income is taxed separately from her husband's. In that case children's allowances are evenly divided between the spouses. (2) Before taxation the following allowances are made:

Personal allowance

- A. Individual allowance: Icel. cr. 80,000<sup>1</sup>.
- B. Married couple's allowance: Icel. cr. 112,000; if taxed separately 56,000 f. each.
- C. Children's allowance: Icel. cr. 16,000 (for each child under 16); if the parents are cohabiting children's allowance is divided evenly between them.

Allowance because of the constitution of an independent household

Allowance of 32,000 Icel. cr. to be withdrawn from the total income of the year of entering marriage. This allowance is strictly limited to married couples.

Municipal Income Tax. (1) The legislation on the State Income Tax also applies to the Municipal Tax thus making joint taxation the rule and 50 per cent of wife's earnings as tax-free income. There is, however, a preliminary clause which states that during the period 1962-1967 local communities are entitled to diverge from this 50 per cent limit. Thus the local taxation authorities may fix the tax-free income at some particular amount, which in some cases falls very much short of 50 per cent of a wife's earnings where-

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1 Figures quoted are the ones laid down by the Income Tax Law of 1964.

These figures may change from year to year but the proportions between them remain the same.

as in other cases the allowance may indeed cover the whole of her income. In Reykjavik, the capital, the 50 per cent limit has been maintained but in some other communities the preliminary clause has been put into effect, e.g. in Akranes, the township studied in the investigation that follows. This, however, was first done in Akranes in 1964.

(2) The Municipal Tax personal allowances are as follows:

A. Individual allowance:	Icel. cr. 35.000
B. Married couple's allowance:	" 50.000
C. Children's allowance:	" 10.000

In order to show the effects of this present system of taxation on marital finance as compared with the position of those in cohabitation the following examples may be considered:

(1) Total income 150.000 Icel. cr. - wife is not employed outside the home - no child.

Married couple:

Municipal Tax:	22.000 Icel. cr.	
Income Tax:	3.510 "	Total Icel. cr. <u>25.510</u>

Cohabitation:

Municipal Tax:	26.500 Icel. cr.	
Income Tax:	9.990 "	Total Icel. cr. <u>36.490</u>

Difference in favour of marriage Icel. cr. 10.980

(2) Total income 180.000 Icel. cr. - thereof wife's employment 30.000 Icel. cr. - two children under 16.

Married couple:

Municipal Tax:	20.500 Icel. cr.	
Income Tax:	1.890 "	Total Icel. cr. <u>22.390</u>

Cohabitation:

Municipal Tax: 23.500 Icel. cr.

Income Tax: 6.390 " Total Icel. cr. 29.890

Difference in favour of marriage Icel. cr. 7.500

(3) Total income 270.000 Icel. cr. - thereof wife's earnings 90.000 - no child.

Married couple: Total taxation Icel. cr. 53.707

Cohabitation: Total taxation Icel. cr. 53.690

Difference in favour of cohabitation Icel. cr. 17.00

If we compare these examples with the information presented by the parliamentary committee of 1957 it stands out most decidedly how greatly the financial position of marriage has improved. It can now be said that only in exceptional cases does cohabitation carry with it financial advantages which make it a more attractive proposition than marriage, in strict economical terms. Later we shall see whether it is possible to detect any changes in family organization as a result of the new taxation legislation, which in turn might have influenced the illegitimacy rate.

Before leaving the question of marital finance two further points should be mentioned both of which also enhance the position of marriage. The first of these concerns social insurance. The annual social insurance fee for married couples is Icel. cr. 3.135 as compared with 4.990 for man and woman who are cohabiting. The second point refers to a national scheme of obligatory saving which applies to all wage earners between 16 and 24 years of age. A certain percentage of their earnings is held back on interest and it is first when a person has reached the age of 25 that he or she can withdraw the total amount saved in this way. Full-time students are exempted from this

scheme. In case of marriage the full withdrawal can be made at once, but only by presenting a marriage certificate. - The law decrees that there rests a mutual obligation on the spouses to maintain each other, and both together they are under legal obligation for the maintenance of their children until they are 16 years of age. In case one of the spouses neglects his or her share in the maintenance of the family the other can apply to the proper authorities for correction.

3. The dissolution of marriage. The marital legislation embodied in Act 39/1921 lays down the conditions under which a legally valid marriage may be dissolved. Here there are two distinctive stages, judicial separation and legal divorce.

A. Judicial separation, divorce a mensa et thoro. The law distinguishes between cases in terms of whether the spouses agree on the separation or not.

(a) If they agree they must first see their minister or consult a reconciliation committee for the purposes of reconciliation. When these meetings prove unsuccessful the couple is entitled to receive a separation order from the magistrate, and no further grounds are required for their separation provided they have come to an agreement about their mutual maintenance, authority over their children if there are any, and the maintenance of such children.

(b) If there is a disagreement about the separation the case takes a different course. Now the party seeking separation must present some serious faults to the marriage for which the other party is chiefly to blame. In this respect the law mentions wilful neglect of maintenance, habitual drunkenness, or other serious moral defects. Moreover, when the married life has demonstrably become one of continuous disagreement and unhappiness separation shall be granted, unless the party seeking separation is chiefly responsible

for this state of affair.

Judicial separation involves the division of property according to the rules relating to "marriage property" and "special property". As a divorce "a mensa et thoro" it also implies, of course, that the spouses split common lodgings. All the same they still remain man and wife, so that the question of remarriage does not arise. If they decide to start living together again the separation order, together with its legal implications, automatically becomes invalid.

B. Divorce. Here the law distinguishes between cases in terms of whether judicial separation has taken place or not. If it has a legal divorce is granted one year after the issuance of the separation order, provided the spouses are agreed on the divorce and its terms, i.e. concerning parental authority and the question of maintenance. If they disagree on the divorce two years must pass from the issuance of the separation order, but after that time one party is entitled to divorce even though the other protests.

When judicial separation has not taken place divorce is granted on the following grounds: (1) If the spouses have been living separately without judicial separation for three years either one of them can seek divorce. The party chiefly to blame for the separation is not entitled to receive divorce unless in exceptional circumstances. (2) If one of the spouses has deserted the other without any good reason the suffering party is entitled to receive divorce when two years have passed from the desertion. (3) If one of the spouses has disappeared and nothing has been heard of him or her for three years divorce is open to the other. (4) Bigamy is a ground for divorce. (5) Adultery or an act of fornication comparable to adultery is a ground for divorce except the wronged party has given his or her consent to



the act. (6) Intercourse while suffering from venereal disease gives a ground for divorce unless the act is done with the approval of the healthy person. (7) Physical cruelty towards spouse and/or children is a ground for divorce. (8) Imprisonment of one spouse for a period of two years or more gives ground for divorce. (9) Finally, incurable insanity is a ground for divorce after at least three years have passed.

4. Legitimate and illegitimate children. According to the law a child is legitimate if it is born in wedlock or after the dissolution of marriage at a time that makes conception in marriage probable. As far as the main rule is concerned the question of premarital conception does not arise as long as the child is actually born in marriage. Illegitimate are then all children the birth of which does not comply with these rules. An illegitimate child is automatically legitimated if and when its parents subsequently marry.

The main differences between the legal status of a legitimate and an illegitimate child are in terms of parental authority and the ascription of citizenship. In case of a legitimate child the parental authority rests with both parents and it is the citizenship of the father at the time of the child's birth that determines its own citizenship. In case of an illegitimate child, on the other hand the parental authority rests solely with the mother, and it is the mother's citizenship that determines the citizenship of the child.

Before the present legislation on legitimate and illegitimate children from 1922 and 1949 the status of an illegitimate child was much inferior as far as inheritance was concerned. The child was by law the heir of its mother only and of its relatives in the mother's line. Since 1922, however, the main rule is that illegitimate children inherit in exactly the same way as legitimate children, the only exception being when the question of paternity rests solely on an oath given by the mother herself.

Sociological discussion of marriage and the family in  
an Icelandic town community

I take it to be true that no full-scale sociological study of the family and marriage in Icelandic society has as yet been undertaken. Such information as is available is provided by the Statistical Bureau of Iceland, and valuable as this information undoubtedly is it often seems to raise more questions than it solves. As an example I refer again to the very high rate of illegitimate births. The Statistical Bureau does not tell how great a proportion of the illegitimate births takes place in cohabitation and, therefore, it does not make an assessment of the real position of these illegitimate children possible. It is important to know whether they are illegitimate in a technical sense only, i.e. according to the definition of the law but enjoying the presence of their father, or whether they are socially illegitimate as well, i.e. being virtually "fatherless". It stands to reason that these two categories represent two very different forms of illegitimacy as a social problem. Or, to take another example, the information of the Statistical Bureau tells us nothing about the status of the official engagement and how it functions within the different types of family organization in Icelandic society. From the historical survey preceding this chapter one would expect this institution of engagement to take on considerable importance in contemporary discussion on marriage and the family, and very much so with regard to the rates of illegitimacy.

This being the state of Icelandic family sociology at the present I found an urgent need for some sort of a sociological investigation - within the very limited terms of my capacity in this field - to form a part of my study on "The Lutheran Doctrine of Marriage in Modern Icelandic Society". It was

suggested to me by my adviser in social anthropology to do the sociological field work in a community where my role as a field worker might be combined with my role as an assistant minister. This condition was in fact decisive in my eventual choice of community, but, as it turned out to be, the community chosen proved to carry some further characteristics which made it suit my purposes rather well.

### Akranes

General introduction. The community chosen for my study is named Akranes. It is a village of just over 4000 inhabitants which within the scarcely populated Icelandic society has been given the status of a township. Akranes is placed on a sandy peninsula reaching out into the "Faxa-bay" which is carved into the southwest coast of Iceland. Reykjavik, the capital, is located at this same bay, only some twenty miles south from Akranes. The crossing by the ferry takes one hour but the journey by road is made considerably longer through the long and winding "Whalefjord" which separates Akranes from the neighbouring districts of Reykjavik. Even though there are four daily crossings during the summer by the ferry, a regular bus service, and a high proportion of privately owned cars, there is also operated an air service between Akranes and Reykjavik which takes you there in only "seven minutes". Akranes is thus by no means cut off from the wider world, i.e. Reykjavik, and some eight miles away there is the main road to the west and north of the country. The fact that Akranes is brought into such a close connection with the capital through the advanced use of modern transport does not mean, however, that its status as an independent community has been markedly affected. On the contrary the "peninsula people" - as they are commonly identified - are very conscious of themselves as a separate community and take pride in their high degree of independence from the capital. In spite of the transport facilities there are no commuters in Akranes, going to work in Reykjavik.

1. Economy. Akranes has been described as a "thriving fishing town", a description which in spite of its vagueness sets the scene for a short description of its economy rather nicely. Admitting that the adjective refer-

ring to prosperity is a somewhat recent development, the other referring to fish is as old as there has been any habitation on this sandy peninsula. - Through the past sixty years Akranes has gone through a series of stages, the most important of which have been marked by the advance of the technical age, resulting in revolutionary changes in the catching and processing of fish.

The fishing in Iceland falls mainly under two heads, the cod fisheries (including all kinds of white fish), and the herring fisheries. The chief waters for the former are off the south and south-west coast of Iceland and this makes Akranes most favourably situated for these fisheries. The cod fisheries are done primarily during the first 4 - 5 months of the year (winter fishing season). The herring fisheries off the north and north-east coast, on the other hand, are done from early July and used to run for approximately two months but in recent years the season has been extending well into November and early December. All the bigger motor boats in Akranes take by now part in the herring fisheries which means that the crews are away from their homes during most of this time, if not all. In autumn and winter considerable catches of herring are sometimes made off the south-west coast of Iceland. The herring is sometimes salted, but otherwise it is processed to produce herring oil and herring meal. Akranes is very well placed for the autumn and winter herring season.

The introduction of bigger fishing vessels, equipped with first rate modern fishing gear, together with new ways of processing the catch in quick-freezing plants brought about the most important changes in the economic life of Akranes as it did in all the fishing centres in the country. In the freezing plants enormous quantity of frozen fillets for export is produced and the plants create employment for both men and women, often in very great



numbers. The first freezing-plant was built in Iceland in 1930 but it was not until some ten years later that the quick-freezing of fish had become an important branch of industry. Today there are four quick-freezing plants in Akranes alone. Besides the production of frozen fish in Akranes there is considerable production of saltfish and dried-fish, and one factory for the canning of fish products is in operation. Even though most of the herring is processed in factories in the north and north-east of Iceland there are a number of factories for the preparation of herring oil and herring meal in the south as well and one of these is located in Akranes.

The operation and maintenance of the fish-processing plants call for the presence of skilled manpower, creating jobs for a number of specially trained mechanics and other craftsmen. The fishing industry makes itself further felt in the economy by establishing the need for the building and maintenance of fishing vessels and fishing gear. Only small motor boats are built in Akranes but repairs on larger vessels are often done locally. These call for qualified boatbuilders as well as mechanics. Netmaking and net-repairing is also done in Akranes.

The industrial age has in recent years, however, broken the exclusive control of the fishing industry over Akranes' economy by bringing in big industry in the shape of the only cement factory in the country. The factory started production in 1958 and provides by now fully for the needs of the home market and some surplus is left for export. It employs about one hundred men and women, mainly in unskilled manual work, but also some highly trained manpower is needed, laboratory staff, and some clerical workers. The head-office is situated in Reykjavik.

A factory for the making of women's nylon stockings has begun production

employing some twenty people, chiefly women. Workshops for metal work are three, three car service stations, a number of workshops for wood work, one or two firms for the manufacturing of furniture, etc.

As will be seen from Table 2 in the next section the population of Akranes has more than doubled in the twenty years period from 1940-1960. This great increase inevitably meant a simultaneous expansion of the town through the construction of houses to meet the increase. Those who in 1945 were living in the outskirts of the town find themselves in 1965 right in its centre. All this housebuilding has created more and less constant employment for a considerable number of craftsmen, chiefly carpenters, but also electricians, masons and joiners. This concentration of skilled craftsmen in Akranes has in turn resulted in their services being called for in the neighbouring farming districts and villages.

At the Census in 1950 when the total population was 2583 the economically active population of Akranes was classified as the following table shows.

Table 1. Economically active population by industry and industrial or social status by December 1st 1950\*

INDUSTRY	AKRANES				
	Self-employed workers	Salaried workers	Wage earners	Total	Of this Females
I. Agriculture	6	1	13	20	6
II. Fisheries	7	10	242	259	6
III. Manufacturing	28	9	286	323	74
IV. Building construction	13	2	91	106	-
V. Electricity and water services	-	1	9	10	-
VI. Commerce	9	56	15	80	33
VII. Transport and communication incl. Telephone and Post Office	27	18	25	70	11
VIII. Services	14	39	38	91	45
Total	104	136	719	959	175

\* Source: Population Census by December 1st 1950, Reykjavik 1958.

Here it should be noted that over fifty per cent of the total number in group III, manufacturing, were engaged in the manufacturing of food and this means primarily that they have been engaged in the processing of fish. When considering the relevance of this table for the present day situation the fact must also be kept in mind that the cement factory came into production eight years after the 1950 Census. - The predominance of the fishing industry in the local economy of Akranes is further brought out in another table from the 1950 Census.

Table 2. Population dependent on each industry in Akranes by December 1st 1950

Agriculture	Fishing	Manufacturing	Construction	Electricity, Water Services, etc.	Commerce	Transport and Communications	Services	Property and Public Support	Total
34	752	703	278	31	166	213	230	176	2583

Here again a great proportion of the manufacturing division properly belongs to the fishing industry.

As the Census by December 1st 1960 has not yet been fully worked out I am not able to quote comparable figures to those of 1950. I was able, however, to check the occupational status of more than 50 per cent of the economically active male population by December 1st 1964, as it was classified by the local internal revenue office. According to this sample the following table can be drawn up.

Table 3 a. Occupational status of economically active male population in Akranes by December 1st 1964.

Unskilled manual	..	..	..	..	41 per cent
Semi-skilled "	..	..	..	..	17 "
Skilled "	..	..	..	..	23 "
Non-manual routine	..	..	..	..	9 "
Semi-professional	..	..	..	..	4 "
Professional and managerial	..	..	..	..	6 "

For further illustration of this classification the following: The unskilled manual division may be broken into (1) Labourers 29 per cent and (2) Fishermen 12 per cent; the semi-skilled division consists of (1) Apprentices 8 per cent, (2) Drivers 6 per cent, (3) Others 3 per cent; the skilled division consists of numerous types of craftsmen, the largest single group being carpenters, plus all skilled sea-men who are distinguished from the unskilled fishermen. If we add the unskilled and skilled fishermen together the total makes 19 per cent. Another table may then be constructed as follows:

Table 3 b. Occupational status of economically active male population in Akranes by December 1st 1964.

Labourers	..	..	..	..	29 per cent
Fishermen	..	..	..	..	19 "
Craftsmen and apprentices	..	..	..	..	24 "
Drivers	..	..	..	..	6 "
Others manual	..	..	..	..	3 "
All non-manual	..	..	..	..	19 "

2. Population. Accompanying the technical changes in the fishing industry and the rise of new industries there have been no less revolutionary changes

in living conditions which in turn have attracted a great influx of people from less prosperous and more remote places. Since 1910 the population of Akranes has increased more than five times, from 808 in 1910 to 4133 in 1964.

Table 4. Population of Akranes 1910 - 1964.

Year	Population	Annual increase percentage	Reykjavik	Iceland
1910	808		11.600	85.183
1920	929	1.5	17.679	94.690
1930	1270	3.7	28.304	108.861
1940	1840	4.5	38.196	121.474
1950	2583	4.0	56.251	143.973
1960	3822	4.8	72.407	177.292
1964	4133	2.0	76.401 (1963)	186.912 (1963)

Since 1930 the population increase has been greatly above the national average and very much the same as the increase in the capital. The excess over the national average is due to steady immigration during this period. After 1960, however, there is a sharp decline in the population increase, bringing it more in line with the national level. - The 1950 Census classified the population of Iceland in terms of place of birth and internal migration and the figures for Akranes were as follows:

Table 5. Persons born in Iceland and internal migration for each town and district. - AKRANES

AKRANES	Resident	Born In	Resident and Born In	In-migrants (1-3)	Out-migrants (2-3)	Excess of In-migrants over Out-migrants (4-5)	Column 4 in Percentage of Column 1	Column 5 in Percentage of Column 2	Column 6 in Percentage of Column 2
	1	2	3	4	5	6	7	8	9
	2599	1848	1231	1328	617	711	51.9	33.4	38.5



In 1950 2583 persons had their legal home in Akranes and of these 1352 were born outside Akranes or 52.3 per cent; 226 were born in the capital but 751 in rural areas and villages further west and north-west from Akranes. 817, i.e. 31.6 per cent of the total population were born in rural communities.

3. Social activities and social institutions. (a) Considerable variety of associations and clubs are at present on record in Akranes, but some of them are in fact no more than a name on the record. At this point I shall merely enumerate such facilities as there exist for voluntary social participation in Akranes and delay further discussion about the social life, until use can be made of the findings revealed by the sample on this subject.

Table 6. Voluntary associations and clubs in Akranes\*\*

Rotary club	Political associations (4)
Lion club	Women's political associations (2)
Oddfellows	Chess club
Freemasons	Bridge club
The Women's Society	Brass band
Association for the Prevention of Accidents (women's section; men's section)	Students' association
Men's Choir	Sport clubs (2)
Women's section of the men's Choir	Musical society
Church committee	Drama society
Church Choir	Red Cross branch
I.O.G.T. Lodge	Anglers' club
	Boy scouts
	Girl scouts

\*\* It is possible that one association or two have escaped my attention.

(b) Schools. School-entering age in Iceland is seven and school-leaving age fourteen to fifteen. Akranes has one primary school and one combined secondary and grammar school. The grammar school offers two different lines of education for those who wish to continue after they have finished their obligatory education. One line consists of a two year course leading to Grammar School Certificate. The other line is a one year course leading to what is called the Middle School Certificate. This certificate gives a pupil entry to one of the five High Schools in the country, or to the only Teacher's Training College. Then there is in Akranes a technical college, offering the obligatory four years course for all those who are doing their apprenticeship in one of the various crafts. An elementary musical college has been in operation for several years, attended by some 60-70 pupils the last years. - For all other education students must go elsewhere.

(c) Health and social welfare. A well equipped hospital is operated in Akranes which not only serves the population of the town but for a wide range of the neighbouring districts as well. There are four doctors in general practice but only one dentist, very much over-employed. Recently a day nursery was opened where children are taken care of from 9 a.m. until 6 p.m.

(d) Religion. Akranes forms one parish within the Icelandic National Church. The parish, which is centred around the one and only church in the town, is served by one minister only. This minister serves the neighbouring rural parish as well. According to the records of the Registrar General 99.4 per cent of the total population of Akranes were officially members of the National Church by December 1st 1964.

## Family Organization and Illegitimacy

### I. The Methods of the Research

The chief purpose of my research was to explore and as mentioned earlier my sphere of interest was the relationship between the incidence of illegitimacy and the existent forms of family organization with the community. The research was bound to be no more than exploratory for reasons both of my lack of experience in this field of study and of the very limited time which was available for the research, approximately three months during the summer of 1965. During two months of this time the local minister was on holiday in Scandinavia and this made it possible for me to enter the community as an assistant minister. Without doubt this role made my particular task much easier as it went far to justify in the minds of the local people my sudden, and otherwise idle, appearance within their community. At the same time, however, my role as a representative of the Church may possibly have influenced somewhat the information given to me during the interviews, notably when this was concerned with questions of morals. I hasten to add, all the same, that in my experience this drawback of my priestly role proved to be much less felt than I had expected, a fact which has its own social implications as will become more clear later in the discussion. As an assistant minister it was my duty to preach once every Sunday in the town church but the fact that I was not ordained excluded me from performing most other ministerial functions, such as to baptise, to wed and to conduct a funeral service.

My role as an assistant minister was never meant to conceal the fact that the primary reason for my stay in the town was connected with another role, viz. that of a social researcher. The local minister was of course the first to know about my intentions and his acceptance of my double role

within his parish was the first thing I had to secure. From the very beginning he showed full understanding of the project and became one of my chief informants - in the social anthropological sense of the term - as long as he stayed in the town. Moreover, he introduced me to some persons in the town who in different ways were in a position to throw light on various aspects of my study. One of these persons who held a high official post within the community became my chief informant. Another with whom I established contact during the first days in the town had been living in Akranes for the most part of his seventy years and knew its history during this time as well as his own life history. A third person to whom I was introduced by the minister in the very first days of my stay took me to the weekly meeting of the Rotary Club. It is customary in the Club always to have a 10-15 minute talk on the Agenda and at this meeting I was invited to give the talk. In it I explained the nature and the purpose of the research that I was entering upon within their community and made it clear that families for interviewing would be selected randomly. This affirmation proved of great importance as somehow the fact that I wanted to interview people on the family and marriage left the impression that I was primarily concerned with families where something had gone wrong. This point will be further demonstrated later on. My talk to the Rotary Club gave rise to some lively discussion and it was suggested by the President that the next meeting should be devoted to 'marriage' as well. The meeting left me with the impression that a good rapport had been established with perhaps the most influential section of the population and I was assured of a welcome in the homes of the members if that could be of any help. After this meeting there could hardly have been any doubt that the news of my second role had spread widely around in the

town. Later in the summer I was invited to another Rotary meeting and by then the favourable attitude to my probings had not changed.

The first two weeks were thus mainly given to the task of creating contacts and the gathering of general information about the community. At the same time I enjoyed the guidance of the minister in getting acquainted with the Parish Register and started working out what kind of information this could furnish me. It was certainly a great advantage to my work that the Parish Books had been exceptionally well kept by the minister, so as to provide information well beyond what is required by the Icelandic Statistical Bureau. The task of gathering general information through the assistance of informants was not, however, limited to the first two weeks of the research but remained all the way through - an important method through which the research was conducted. Also the presence of the informants made it possible to check various points that were brought out during the interviews but strict care was taken, whenever possible, not to reveal the identity of the families concerned.

Reference has already been made to a sample and to interviewing and this brings me to the chief method used for the research.

Sampling Procedure. Besides the factual information which could be worked out from the Parish Register and other official sources about illegitimacy and family organization in Akrenas an urgent need was felt to come into contact with families in the community in order to acquire a deeper insight into the existent family systems and to probe for sentiments and values surrounding the whole area of marriage and the family in this particular community. This need raised the question of sampling which was meant to enable me as a sole interviewer to establish contact with a representative portion of the



population within the limited period of time determined by external circumstances. The procedure taken was as follows:- As a definition of my universe I chose the Registrar General's list of the inhabitants of Akranes as this list was issued on December 1st, 1964. Before the actual sampling was done the following qualifications were done on this universe. First, all those who were only temporarily residing in Akranes and had their legal home elsewhere were left out; and, secondly, only those families qualified for the sampling where the list indicated that both parents and at least one child were present. This is not to say that only married couples qualified for the sample as cohabitation fulfills the conditions set about both parents and a child in exactly the same way as marriage. After these qualifications had been made the universe was reduced to 678 families. At this stage the sampling was concluded by selecting randomly every tenth family thus creating a sample consisting of 68 families. In case of refusals to co-operate or in the event of changes in the universe because of removals from Akranes, death of spouses etc., the family immediately ahead of the one disqualified was chosen, and in case this family proved unavailable also the one immediately behind the original selection was to be chosen.

My original intention was to interview both man and wife together<sup>1</sup> and this made the interviewing rather slow during the first weeks, as one could not expect to find the man at home except in the evenings and not always then. Later on, however, I realized that this procedure was untenable, not only because of time, but much more significantly because by rigid adherence to it I would have been compelled to reject all families where one of the spouses was temporarily away. Thus all the fishermen's families where the husband was engaged in the herring fisheries up north would have been left out. By

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1 For practical reasons I use the terms "man and wife" indiscriminately so as to include man and woman living in cohabitation also.

so doing, on the other hand, a distinctive form of family organisation in a fishing community would have been excluded from the research with the most damaging consequences. I continued the practice of interviewing both partners whenever possible but was satisfied to interview either one of them if a joint interview was not possible. My somewhat slow start and the restricted time limit made it impossible to cover the whole sample so that the final number of families interviewed was not 68 but 61. In the editing process of the interviews I found it necessary to drop five more families because of lack of information on specific issues. This brings the total sample size to 56 families.

Interviewing Procedure. The interviewing technique adopted for the research was of an informal type, a "free" interview. This type of interview is well suited in a research where much depends upon an atmosphere of trust and even intimacy between the interviewer and those interviewed. Furthermore, when the object is to collect not only quantitative but also qualitative data, the free atmosphere of the informal interview is indispensable. When probing for sentiments, values, aspirations, etc. notice must be taken not only of the exact wordings but also of the ways in which the words are expressed, a change of tone, whether a question is evaded and then how, and many other points of detail.<sup>1</sup>

The interviews were informal in the sense that I did not make use of either a questionnaire or a written schedule. A schedule, however, had been prepared in advance which covered all the areas into which I wanted to inquire during the interview. This schedule was memorised and directed the course

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1 Cf. C.A. Moser. "When the survey subject is complex or emotional, it may be that the greater flexibility of an informal approach succeeds better than set questions in getting to the heart of the respondent's opinion". Survey Methods in Social Investigation, London, 1958, p. 204.

of the interview, but the informal character of the discussion allowed for digressions to be made whenever the occasion arose<sup>1</sup>. I always started the interview by producing my notebook and pen and this was the only formal aspect of the interview. The great advantage of the notebook was of course to be able to write down simultaneously, thus catching perhaps in a single sentence a glimpse which might throw a flood of light upon one question or another. Only in exceptional cases was I aware of some reluctance on behalf of those interviewed because of the presence of the notebook, but in several cases my most rewarding moments during an interview came after the 'interview' was over, the notebook firmly in my pocket again, and the cups of coffee - and the late hour - had made the talking more intimate and more revealing.

My first approach to those interviewed was in the great majority of cases a knock on the door. The alternative approach through the telephone had the advantage of making arrangements for the interview beforehand and thus securing a convenient time for all concerned, but my experience was that those approached were more reluctant to co-operate when talking to a complete stranger over the telephone. Once I had explained in general terms on the doorstep the nature of my visit and after I had made it quite clear that this particular family had been randomly chosen, as a rule the rest was a matter of arranging a suitable time for the interview if it could not take place immediately. Apparently the point about the randomness of the selection proved decisive in a number of cases and even turned an attitude of concealed suspicion, based on a reaction of "why us?", "what is wrong with us?", to an attitude of some sort of vanity or excitement over the fact that their number had been drawn from the pool. Some were more inquisitive than others

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1 My type of interview corresponds, in principle, to what C.A. Moser describes as the guided or focused interview, cf. *ibid.*, p. 206.

as to what exactly I had in mind and a few expressed their fears that they would not be of much help to me as they were quite ignorant on the subject. Further explaining of my intentions was generally sufficient in such cases. In one case, that of a retired fisherman, much convincing was needed to get the fact through that I was not a detestable spy from the Internal Revenue Office, and finally it was the knowledge of my role as the assistant minister that opened the door to this family. There was only one outright refusal to co-operate. I met the wife, a young woman in her late twenties, at her door one afternoon. She was willing to listen to my explanations but said she did not think her husband would approve of an interview. Later in the day after she had consulted him she confirmed her opinion over the telephone. In two cases the excuse made for not wishing to co-operate was the fact that the husband was away during the whole of the summer, one as a carpenter in a village much further west, the other being a fisherman engaged in the herring fisheries up north. In all other instances where the husband was at sea the wives were immediately prepared to co-operate. Perhaps this fact may be taken as one sign of their high degree of independence.

The character of the interviews varied from one family to the other. The degree of formality was largely dictated by the respondents themselves. Some apparently wanted the whole thing over in as short a time as possible in a detached and impersonal manner; others seemed to seize the opportunity to express themselves in a free and sometimes most personal way, keeping the interview going as long as possible. My role as the assistant minister sometimes led the discussion away from the main subject, but this was never due to my own initiative. Digressions of this sort were by no means irrelevant to my immediate concerns, however. An interview might range in time

from the minimum of thirty minutes to well over three hours, but the average length was around the one hour limit. No family was visited more than once.



II. Points of General Interest about the Family  
Drawn from the Sample

Before I enter upon the discussion of the central theme about types of family organizations and the incidence of illegitimacy I propose to set the scene again, and this time drawing upon the sample, so as to try to put in relief some of the aspects which, taken together, make the family what it is. Thus notice shall be taken of age, size of family, family background, education, occupation, type of housing, rhythm of work, recreation and other social activities. For this end the use of tables will be made with additional comments as these are called for. This way of approaching the central theme should not of course be taken to imply that these general points can or should be separated from the discussion on the types of family organizations. As has just been mentioned these points go far in establishing what types of family systems there are to be found in the sample, and any discussion about family organization which left these points behind would be self-contradictory. It is only because I have chosen to deal with the central theme in a rather restricted form that it seems expedient to discuss it separately. Considerable overlapping is, however, to be expected.

1. Age. The average age of husbands interviewed was 38.7 and of wives 36.1. As the following table shows the couples were quite evenly matched as far as age is concerned, the husband not more than three years older than the wife in 55.5 per cent of the families. Out of the ten wives that were older than their husbands nine were not more than three years older and none more than seven years older. The age difference was below eight years in almost 90 per cent of the families.

Table 7. Difference of age between the spouses

Wife is older than husband. .. ..	10 i.e. 17.8%
Husband and wife are roughly the same age. ..	11 i.e. 19.8%
Husband is older than wife by 1-3 years. ..	20 i.e. 35.7%
Husband is older than wife by 4-7 years. ..	9 i.e. 16%
Husband is older than wife by 8 + years. ..	<u>6 i.e. 10.7%</u>
Total	<u>56 100%</u>

2. Size of Family. The definition of the sample in terms of families where both parents are present and at least one child gives the sample an obvious bias towards a bigger average size of family than one should expect to be the case in the total population. This bias can be demonstrated by comparing the average size according to the sample to the average size of family households in Iceland according to the 1950 Census. Here it should be noted, however, that the Census refers to households, thus including persons beyond the elementary family, i.e. parents and children.

Table 8. Number of children per family

Families with 1 child. .. ..	3
Families with 2 children. .. ..	12
Families with 3 children. .. ..	12
Families with 4 children. .. ..	13
Families with 5 children. .. ..	8
Families with 6 children. .. ..	4
Families with 7 children. .. ..	1
Families with 8 children. .. ..	3
<hr/>	
Total number of families. .. ..	56
Average number of children per family...	3.8
Average size of family. .. ..	5.8

Table 9. Average size of family households in Iceland 1930-1950

			<u>1950</u>	<u>1940</u>	<u>1930</u>
Reykjavik, the capital	..	..	4.01	4.15	4.41
Towns	..	..	4.31	4.44	4.52
Urban villages	..	..	4.40	4.44	4.48
Rural areas	..	..	5.12	5.50	5.65

3. Education. In the following table 'no education' stands for no formal education and does not imply by any means that these persons were illiterate. All of them belonged to the oldest section of the sample and were brought up before elementary education had become compulsory in the country. Fifty per cent of the husbands had not gone beyond the compulsory education as compared with sixty three per cent of the wives. Higher education had been sought by nine per cent of the men as compared with six per cent of the women.

Education did not occupy much space in the interviews, generally, except when the question arose of people moving away from Akranes. One reason invariably mentioned for removals was the fact that schools in Akranes do not offer a wide range of education, and it is expensive to have to bear the cost of one's children's special education in another town, the capital in most cases. Parents, therefore, who aspire for higher education for their children are more likely to consider removal and find a place in the capital.

Table 10.

<u>Type of Education</u>		<u>Hus-</u> <u>band</u>	<u>Education</u>		<u>Wife</u>
			<u>Type of Education</u>		
No education	..	3	No education	..	2
Primary School only	..	14	Primary School	..	17
Secondary School	..	11	Secondary School..	..	14
Grammar School	..	2	Grammar School	..	9
Technical College	..	15	Domestic Science..	..	6
Athletic College	..	2	Music College	..	1
Music College	..	1	Commercial College	..	1
Nautical College	..	1	University Undergraduate..	..	2
Engineering College	..	1	No information	..	4
Commercial College..	..	1			
University Undergraduate	..	3			
University Graduate	..	1			
No information	..	1			
	<u>Total</u>	<u>56</u>		<u>Total</u>	<u>56</u>

4. Occupation. The occupational composition of the sample was as the following table shows:-

Table 11.

Occupation of husband

Labourers	13	Boat-Builders	2	Apprentice	1
Fishermen	7	Clerks	2	Telephone Mechanic	1
Carpenters	6	Cabinetmaker	1	Deputy Manager	1
Engineers	4	Shop Assistant	1	Manager	1
Drivers	3	Dentist	1	Postman	1
Net-Makers	3	Fish Producer	1	Headmaster	1
Mechanics	2	Executive	1	Physical Training Inst.	1
		Teacher	1	Motor Mechanic	1

The occupation may be further classified as follows:-

Table 12.

Sample of economically active male population by December 1st 1964, of Table 3 a supra.

Unskilled manual	20	36%	41%
Semi-skilled manual	6	11%	17%
Skilled manual	18	32%	23%
Non-manual routine	4	7%	9%
Professional & managerial	8	14%	10%
	<u>56</u>	<u>100%</u>	<u>100%</u>

The classification shows that there are certain discrepancies between the sample and the special occupational sample, but this is to be expected when no attempt is made to build up a stratified sample. In particular it is the "skilled manual" category which is disproportionately high in the sample, but if we add together the skilled and the semi-skilled the difference becomes much less, 43 per cent in the sample as against 40 per cent in the special sample. Again the "professional and managerial" category in the sample is high, but when all non-manual occupations are classified together they come to 21 per cent as compared with 19 per cent in the special sample.

Tables 13 and 14 show the classification of occupations of husbands' and

wives' fathers.

Table 13.

<u>Occupation of husband's father</u>	
Unskilled manual	33
Semi-skilled manual	5
Skilled manual	7
Non-manual routine	2
Professional & Managerial	6
No information	3
<b>Total</b>	<b>56</b>

Table 14.

<u>Occupation of wife's father</u>	
Unskilled manual	31
Semi-skilled manual	2
Skilled manual	10
Non-manual routine	3
Professional & Managerial	6
No information	4
<b>Total</b>	<b>56</b>

These tables show that there is a striking similarity between the occupational background of husbands and wives and if we compare the comprehensive categories of manual and non-manual occupations to those referring to the husbands themselves there is not much difference either, cf. the following table:-

Table 15.

Classified occupations of husband, husband's father and wife's father, per cent.

<u>Occupations</u>	<u>Husband</u>	<u>Husband's Father</u>	<u>Wife's Father</u>
Manual	79 per cent	81 per cent	77 per cent
Non-manual	21 "	14 "	16 "
No information	-	5 "	7 "
	<b>100</b> "	<b>100</b> "	<b>100</b> "

There is, however, a marked difference between the composition of the manual category of the husband on one hand and those of the spouses' fathers on the other. This difference is borne out by the much higher proportion of unskilled occupations among the fathers as Tables 13 and 14 reveal when compared with Table 12. The explanation of this difference rests primarily with the fact that more than 50 per cent of the fathers in unskilled occupa-



tions were farmers, eighteen of the husbands' fathers and, somewhat surprisingly, eighteen of the wives' fathers as well. In the urban community where the husbands are placed themselves occupations which require technical training replace the farmer's occupation congenial to the rural community.

The fact that such a high proportion of the spouses were brought up in rural communities indicates that a very considerable portion of the sample has immigrated to Akranes. This is much as one would expect from the information on population provided by the 1950 Census, cf. Table 5 supra. The following Table brings further home this point deduced from the occupational structure of the fathers regarding place of birth.

Table 16.

Place of birth

<u>Birthplace</u>	<u>Husband</u>	<u>Wife</u>	<u>Husband + Wife</u>
Akranes	23	14	7
Outside Akranes	33	42	26
<u>Total</u>	<u>56</u>	<u>56</u>	

This Table would seem to indicate that there is a shortage of marriageable women in the community and a disproportionately high influx of women is accordingly needed. This, however, is contradicted by the population distribution as it stands today, as according to this distribution the sexes are very evenly matched in the lower age group as well as in the higher group, cf. the following table.

Table 17.

Population by December 1st, 1964\*

<u>Age</u>	<u>Men</u>	<u>Women</u>
16 years and over	1,205	1,252
15 years and under	845	831

\* Source: Registrar General.

Rhythm of Work.

It soon became apparent in the course of the research that work was a factor of no minor importance in the life of this community. Not only did one feel this in the practical difficulties in finding the chief wage-earner at home, even in the evenings and during weekends, but the question of the rhythm of work seemed to crop up and reveal its great authority in the discussion of most every subject. It is perhaps too much to say that Akranes is a community governed by the structure of work but it seems difficult to escape the conclusion that this single aspect provides the key to the understanding of the working and of the characteristics of the total social structure of the community. This conclusion can in a preliminary fashion be supported by the following Table which refers to the rhythm of work of my respondents.

Table 18. Rhythm of work by classified occupations

<u>Occupations</u>	<u>Regular Hours</u>	<u>Irregular Hours</u>	<u>Irregular hours percentage</u>
Unskilled manual	8	12	60 per cent
Semi-skilled manual	1	5	83 "
Skilled manual	3	15	83 "
Non-manual routine	2	2	50 "
Professional & managerial	3	5	63 "
<u>Total</u>	<u>17</u>	<u>39</u>	

According to this Table 70 per cent of the husbands in my sample were subject to irregular hours of work. The term "irregular" in this context needs clarification. It is meant to be a comprehensive category including all those who did not have a "normal" working day of, say, 8 hours, 5 days a week, and 260 days of the year. The implications of this rhythm of work

will be drawn in the ensuing discussion, but at this point it will be advantageous to bear in mind that "regular hours" means average wages, generally, and fitness for participation in social activities whereas "irregular hours" implies in general higher wages going with unfitness to participate in the social life of the community.

The irregularity of the working day was of course different in different occupations.

(a) Fishing Industry. The fisherman might not necessarily have irregular hours when at sea, but the stretch of the fishing season in distant waters made him a most "irregular" person as far as his home community concerns, an irregular member of the local trade union branch, an irregular member of the Church, an irregular husband. At the same time he was in a position to make a fortune if the herring was there and he was placed on a "good boat". When the herring season is over and the boats return after their "exile" of up to five months, the fact that they now become stationed in Akranes during the winter season does not mean that "normal" hours are introduced. Now the weather comes to play a decisive role, prescribing the rhythm of work with all its unpredictabilities. The boats must go out whenever weather permits, be it during the middle of the night, early Sunday morning, or at the very hour of the opening concert of the local men's choir. Bad weather, on the other hand, may keep the whole fleet idle for days, causing considerable worries to the management, a moment of truth for the people organizing the yearly "grand ball", and a "second Christmas" for the fisherman's family.

It will be understood that the irregular hours kept by "the boats" during the winter season not only set the rhythm of work for the fishermen but for all those as well who in one way or another are in connection with the

fishing industry. The fish must be taken to the quick freezing plants or to other places where it is processed immediately after the boats come in and this means the presence of a number of lorry-drivers. The processing itself demands both male and female employment, mainly for unskilled or semi-skilled manual work, but also skilled mechanics and engineers are needed to supervise the engines and make repairs. If the weather forecast is favourable the boats may leave at once after unloading, but not before the necessary food supplies have been discharged by the retailer, fuel supplied by the oil company, and the odd repair finished by the mechanic or the net-maker. A lorry driver, one of my respondents, commenting on his work said that during the summer when the boats are away employment is not too good in his branch, but "in the winter, during the season, you are working through the evenings and during the nights". The manager of a general food store had a similar story to tell. His hours of work are on the whole regular "except during the winter season; then there is often work to be done in the evenings and over week-ends because of the boats".

The fisheries during the winter season may furthermore tempt someone already in steady employment to take on an "extra job", thus making the best of the twenty four hours there are in a day and night. A worker in the Cement Factory who works on eight hour shifts told the story of two of his workmates who together posed as one land worker attached to one of the boats. This meant sometimes that either one of them had to go directly from the Factory to the boat and sleep was no more than 2 - 3 hours when this happened.

After the winter season is over there is an interval of 3 - 4 weeks before the boats go north. This interval may be the holiday season for the fishermen, but it is a most busy time for all those who are engaged in re-

fitting the boats and the fishing gear, as everything must be in order at the start of the herring season and often much refitting is required after the run of the winter season. A wife of a net-maker said that the weeks before the boats go away in the spring are the busiest of them all and during these weeks her husband worked until eleven or twelve every evening.

(b) Other Industries and Crafts. As we turn to other occupations than those directly connected with the fishing industry the phrase "irregular hours of work" stands for something else than has been described so far. Now what is meant is primarily overtime or extra work. Thus my three respondents who worked on shifts in the Cement Factory all affirmed that most of their workmates had an extra job of one kind or another, even though only one of the three actually had extra work at the time of the interview. "When you are only working eight hours a day ..." this one said, implying that not to take on extra work in such circumstances was a sign of much idleness. "One of my workmates is now working on the third flat which he has built in between the shifts. He builds and sells".

From Table 18 we see that those in skilled and semi-skilled occupations had the highest percentage of irregular hours of work. Some of these were employed in the fishing industry as I mentioned, chiefly mechanics and engineers. Others had taken on an extra job like the carpenter who in his spare-time and over weekends drives his own taxi cab, an expensive American car, the 1964 model. Another carpenter, having a regular working day of ten hours, used the evenings and most weekends to install fitted carpets for people. A number of craftsmen are in employment outside Akranes, in the neighbouring rural districts and in the neighbouring village, Borgarnes. Many of these only return home for the weekends. One housebuilder, belong-



ing to that group of the sample which was dropped, had an employment of this nature, and a carpenter in the sample said that during parts of the year he usually worked outside the town. The physical expansion of Akranes which started soon after the Second World War was at its peak in the fifties and the construction of the Cement Factory was completed during this period as well. This was a flourishing time for the construction industry which attracted craftsmen to settle down in Akranes. After 1960, on the other hand, the pace of this industry has slowed down considerably and this development is borne out by the fact that some craftsmen are now finding it necessary to seek employment outside their home community.

(c) Non-manual Occupations. The irregularity of the working day in the non-manual occupations was of similar nature as that of the manual occupations, excluding the fishermen. It is caused either by overtime or by the presence of extra work. The example of the manager of the general food store has already been quoted, but overtime in his case was due to the irregular hours kept by the boats. The Dentist, the only one in the town, worked most evenings, but tried to keep the weekends free. By the middle of July he was booked for what there was left of the year. In the non-manual occupations, however, the presence of extra work was more frequent than overtime. Perhaps one is the explanation of the other. The fact that overtime is not frequent makes possible the taking on of an extra job. The Grammar School Teacher who last winter, 1964-65, worked 41 hours a week in his profession, took on the book-keeping for the local herring factory and during summer vacation he worked in the factory supervising meters etc. When I saw him at his home at two o'clock in the afternoon he had been working in the factory all the previous night and was due for another shift at eight o'clock this

same evening. In addition to this he was running a small printing firm together with a few other persons. The physical training instructor, his wife told me, has been working during the last three summers in the Whaling Station some thirty miles from Akranes. He came home every second weekend.

Summer Holidays. The rhythm of work was clearly reflected in the information I received about summer holidays. In Iceland where the winter is dark and cold, summer is particularly welcomed and for many, especially in the towns, the highlight of summer is the summer vacation; but, as the following Table shows, holidays were a most rare occasion among more than two thirds of the families interviewed.

Table 19.

		<u>Summer holidays</u>		
Never since marriage	..	13 families		Average length of marriage: 11 years.
Once since marriage	..	6 "		" 10 years.
Very seldom	.. ..	5 "		
Regularly	.. ..	18 "		
Uncertain, most likely not.		6 "		
Fishermen*		8 "		
		<hr/>		
		<u>Total</u>	<u>56 families</u>	

\* Holidays only possible between fishing seasons.

It is noticeable, but not unexpected, that the number of those who enjoy regular holidays (18) is almost the same as the number of those who enjoyed regular hours of work (17). It should be said about the fishermen and their holidays that this summer (1965) was the second running in which special arrangements were being made to enable fishermen in turns to have ten days leave from their boats in the middle of the holiday season - and in the middle of the herring season - without any loss of the share. This practice

has been unheard of until these last two years but it underlines the importance ascribed by the people to the benefits of summer holidays. One of the fishermen in the sample was in fact on holiday when I interviewed him.

Wives in Employment.

Table 20. Wife in full and part-time employment

Full-time	..	..	..	..	3
Part-time	..	..	..	..	5
Part-time during autumn herring season	..	..	..	..	8
			<u>Total</u>		<u>16</u>

We can assume that the nature of the sample as consisting only of families where at least one child is living at home makes the figures for wives in employment lower as the presence of children hinders rather than encourages employment outside the home. The fishing industry creates much employment for women, much more in fact than the unmarried portion can manage. The industry is accordingly dependent upon a number of housewives finding some means to enter work outside the home. To this end the management has taken special measures, such as an extra hour given to the housewives to prepare the mid-day meal, bus services which take them from their doorsteps to and from work, and, most important of all from the point of view of the housewife, free working hours, which means that they can arrange their work outside the home according to the conditions at home. The salting of herring during the autumn herring season is a popular part-time occupation among housewives. One of my respondents who looked forward to the start of the next season said there were "hundreds of women" salting herring in the autumn, most of whom were housewives. The working day, she said, is well fitted to

the tasks of the housewife as it does not start until around two o'clock in the afternoon when the boats come in. The season lasts for 2 - 2½ months. Some women made the point that the reason why they took this job was not just money, even though money is good, but also the fellowship with the other women and the opportunity for change from the everyday routine of house-keeping.

Attitudes to Work. The overruling rhythm of work which was to such an extent characteristic of the life of the families interviewed is sustained by an attitude which counts every spare hour "an hour wasted". The worker in the Cement Factory who took on extra work because of his "mere" eight hours working day came from the North-West and this is how he expressed his attitude to work; "Strandamenn" (the men from the North-West coast) "never got used to refuse work if and when it was offered - they would not know how to do it - they have been brought up so as to use every hour available for the earning of money". If this is the way "Strandamenn" see work then there seems to be no reason why they should not feel much at home among the "Skagamenn" (the inhabitants of Akranes), and this identity of attitudes is perhaps responsible among other things for the great number of people from the North-West moving to Akranes. Another of my respondents, a mechanic used to much overtime, expressed this attitude to work in the following terms: "In this town everything centres around work. People don't think about anything else than to earn more money. Everything is given a monetary value. If you take a day off your loss is counted ...", and my impression was to the effect that too many days off not only increase the financial loss but also that the person runs the risk of jeopardizing his status among his work-mates, among friends and within his own extended family. This attitude was

more than once confirmed when the question of summer holidays was raised.

The "fit" between the rhythm of work and the attitude to work which I have been discussing does not mean, however, that no other feelings to work were expressed during the interviews. On the contrary there were a number of instances when the dominating character of this pace of work was much deplored, and most people seemed to be aware of the fact that it was somewhat out of the ordinary. As we shall see in the section on social activities a number of people realized the destructive influence of the rhythm of work on the growth of such activities. It was not uncommon to hear opinions expressed which said that the working day was far too long. After the young wife of the fish-producer had told me that her husband worked "fourteen to eighteen hours a day" during one half of the year, he himself affirmed that this was too much work - "you don't have any time extra, have you?" The president of one of the local trade union branches, himself up to his neck in overtime employment, simply described the rhythm of work in the town as "slavery".

5. Housing. The discussion of the rhythm of work leads directly to the question of housing. This continuity and relationship is not invented by the present writer but forces itself upon the discussion from an overwhelming uniformity of the sample with regard to housing. What is meant by this will be easier to clarify when the information supplied by the following Table is borne in mind:-

Table 21.

	<u>Type of housing</u>		
Own flat	..	..	25 families
Rented flat	..	..	2 "
Own house	..	..	28 "
Rented house	..	..	1 family
	<u>Total</u>		<u>56 families</u>



The Table shows of course an extremely high percentage of accommodation owned by the families themselves, or 94.6 per cent<sup>1</sup>. This very high percentage together with the fact that the standard of accommodation was generally quite good, cf. Table 22 below, may be seen both as the result of the rhythm of work and as one of the major incentives for this rhythm. When discussing the working hours with my respondents the one recurrent justification presented for the extra hours was the fact that the family had recently moved into a new house or a new flat, or were in the process of doing so, and this called for all the extra money and extra time you could possibly come by. In many more cases than not the family itself, primarily the husband, had done a considerable part of the construction work, especially the finishing, and this in itself made extra hours inevitable. In fact all spare time would be used to this end. If on the other hand you chose to buy all the man-power needed for the construction this meant in general that the overtime or the extra work you were engaged in made this arrangement more economical. In either case, buying or building a house or a flat was constantly being related by my respondents to extra hours of work.

During the period in the early fifties when the expansion of the town was most rapid and many houses were being built at the same time the practice of "return-labour" was frequent. This practice sometimes meant that practically no paid man-power was needed, but naturally it involved those concerned in much extra work which had to be done in the evenings, over week-ends, and

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1 According to the Housing Statistics 1950, published by the Statistical Bureau of Iceland, 71.4 per cent of dwelling units in Akranes were owner-occupied at that time and 28.6 per cent renter-occupied. As quite extensive house-building has taken place since 1950 one should expect the proportions to have changed considerably, making the owner-occupied percentage higher. The sample, however, is not representative if, for no other reason that it leaves out the very young and childless families, which are most likely to rent.

during holidays. As the pace of house building has slowed down in the last five years so also has the practice of "return-labour" become more infrequent. - My impression was that neighbour relations were most effective in areas where "return-labour" had been widely practiced.

Council Housing Schemes are practically unknown in Iceland and Akranes is no exception. Either you rent accommodation from a private owner, build it, or you may buy it. In the sample 28 families had built either a flat or a house since 1950 or were in the process of doing so, whereas 13 families had bought accommodation. Rent is considered to be high which might explain the rather frequent practice of moving into the house or flat months and sometimes years before the accommodation is anything like ready. "We moved into the bare stone when all the woodwork remained to be done, no doors, no kitchen interior, etc. ..." Often the lack of money made it necessary for the families to finish only one or two rooms to begin with and leave the rest for later time. In one case a fisherman's wife told me that during the last eight years they had been trying hard to finish their flat, but by now it seemed to be finished. They also had moved in before any woodwork had been done. Four of the families interviewed were living in unfinished accommodation but all of them had reached the final stages.

Table 22.

Standard of accommodation

Poor accommodation	..	..	11 families
Plain, but good	..	..	31 "
Luxurious accommodation	..	..	9 "
Top modern	..	..	5 "
			<hr/>
		<u>Total</u>	<u>56 families</u>

As well over fifty per cent of the families had moved into a new house

or a new flat since 1950 the standard of accommodation could be expected to be generally good. The difference between a new house and a new flat is not so much of quality nor necessarily of size. A flat in the sample can be typified as one floor in a three-storeyed house, each floor consisting of 4 - 5 rooms. In the early fifties a number of small one family houses were built and quite a few of the families interviewed owned a house of this kind. These houses, made of concrete as all the new houses and flats are, were built in a row, separated by a neat front garden as well as by a more spacious rear garden where people grow potatoes, etc. The one family houses built since 1955 tend to be larger and more ambitious in style and comfort. Most of those who were living in what I classify as "poor accommodation" occupied old houses, made of timber surfaced with corrugated iron. The rooms in these houses are quite small, the corridors narrow and dark, and as in most cases nothing has been done for these houses for years - the marks of deterioration and untidiness were clearly visible.

In classifying the standard of accommodation the house interior was generally the decisive factor. As an example of a "plain, but good" accommodation, the following description is offered. In a one family house, built in the early fifties, the entrance leads to a hall with a stair on the left leading to the upper floor, a door on the right leading to the living room and another door facing which opens into the kitchen. The living room is spacious and bright, furnished with a sofa and three easy chairs, a low table in front of the sofa, on the wall behind the sofa there is a landscape painting by an unknown commercial artist. One corner is filled with flowers and there is a small table in another carrying a powerful wireless set. Below the french window there is a radiator, a part of a central heating system

which keeps the whole house warm. The floor, which is covered by linoleum, is almost hidden under the colourful carpet. The living room opens directly into the small dining room. The kitchen is functional, equipped with an electric cooker, a double steel sink, hot and cold running water, a refrigerator, an electric mixer. On the upper floor there are three bedrooms and the bathroom. As the family living in this house would most likely own a car - about fifty per cent of the families interviewed had their own car - a garage is placed at one side of the house.

In order to qualify for the more luxurious categories the accommodation had to show a number of features which clearly distinguished it from the type I have just been describing. These would include more space, more expensive furniture, the use of expensive wood such as teak or oak for all doors, a 23" television set in a teak base or a German Radiogram, sometimes both, fitted carpets throughout. The kitchen also distinguishes itself through more lavishness, the interior has a touch of teak here and there, and the electrical equipments are either American or West German, the latest models. In the bedrooms the wardrobes are built into the walls, the doors again made of expensive wood to match the other furniture in the room. In the cellar there is a washing room supplied with an automatic washing machine.

A "top modern" accommodation is of course similar to the description above, but there would be some extras, such as imported Scandinavian furniture, which seemed to justify the distinction.

6. Social Activities. Under this general heading I propose to discuss those activities of the family which generally took place outside the home and could not be classified as work. It is possible to distinguish between two broad categories of activities of this nature, the one comprising of

formal and organized activities, the other consisting of those more informal. My respondents used to refer to the former category as "the social life" and it is with this that I shall begin the discussion.

(a) "The Social Life". When I raised the question of family activities outside the home other than work my respondents at once understood me to be probing for whether they took much part in "the social life" of the community as they understand it. Upon this they would either make the blunt statement that they did not belong to any association or club, or they would mention the one or two to which they belonged, making occasional reference to the nature of their membership, as being "just on the record", etc. They were in fact referring to the various associations and clubs included in Table 6, cf. supra. The following Table is based on information they gave me as to the nature of their participation in one or the other of these voluntary associations.

Table 23. Active participation in voluntary associations

Husbands	..	..	21
Wives	..	..	17

These figures, indicating as they do that 38 per cent of the husbands and 30 per cent of the wives were taking active part in voluntary associations are higher than I had expected from the impression I got from my respondents about the character of "the social life" in the town in general, but it should be borne in mind that in order to qualify as "active" it was considered to be enough if the person was an active member of only one society or club, e.g. a member of the local brass band, a regular member of the Women's Society, etc.

The attitude of my respondents to "the social life" was frequently ex-



pressed in no uncertain terms, and as mentioned in the discussion of the rhythm of work this rhythm was interpreted as having deplorable repercussions upon the development of "the social life". A worker in the Cement Factory, himself a member of the Chess Club, said that "social life" could not thrive in Akranes because of the pressure of work. This same attitude was expressed in numerous cases. One of the two members of the Rotary Club among the respondents informed me that the Akranes' Club was regularly amongst the three lowest Clubs in the country as far as attendance was concerned, and this was mainly due to the fact, or so he thought, that a number of the members were occupied outside the town as craftsmen. Rotary is the only voluntary association, if we do not count the Church Choir, which meets regularly during the summer. The Grammar School Teacher blamed the rhythm of work set by the fishing industry for "suffocating all social life" in the town. This was confirmed also by a member of the brass band who said he had had to give up playing during a period last year when he was employed as a land-worker during the winter fishing season. A fisherman, belonging to one of the five families dropped from the sample, did not believe that the clubs, such as Rotary, Lion and Oddfellows, contributed really to "the social life" of the town as these were "private clubs ... not for the ordinary man". It was his conviction that nothing much did happen in the town when the "boats are away" as the crews added up to 120 men, most of them married. This statement was confirmed by his sister-in-law who is married to a land-worker as she said "We (her family) never go anywhere except when you are at home" (i.e. the fisherman).

As a final example of how my respondents related the rhythm of work to "the social life" I quote the president of one of the local trade union

branches who said that they had tried to introduce "social evenings", but this had proved unsuccessful as "people just do not have any time". - These few examples should be taken together with the information supplied by the Table on active participation in voluntary associations.

So far I have been discussing the participation of the male section of the sample in voluntary associations, but as Table 23 shows thirty per cent of the female section was seen as being actively engaged in some sort of associational activities. The fact that this figure should be lower than the one referring to the husbands was again contradicted by a wide consensus in the sample which affirmed that the womenfolk were much more active in "the social life". Perhaps the explanation of the contradiction rests with the fact that the active male section is much divided through the rich variety of societies and clubs open to them, whereas the female section is largely concentrated around only two societies, The Women's Society and The Association for the Prevention of Accidents, Women's Section. Through this clustering together the women are in a position to make more impressive impact upon the social scene.

Before leaving the subject of voluntary associations attention should be given to the question what kind of image it projects of the family in this aspect of its activities outside the home. Is there much joint participation of husband and wife in "the social life", or does it tend to be segregated? The answer to this question is not difficult to produce. Merely by going through the list of associations and clubs in the town it becomes quite clear that most of them are designed so as to cater for either one of the sexes, making segregated participation of husband and wife the rule. Furthermore, by checking which associations and clubs are the chief outlets for the active

participation of my respondents, the single sex ones prove to be in almost complete predominance. From the male's side these are the Men's Choir, the Brass Band, the Rotary and Lion Clubs, Oddfellows, The Bridge Club, The Chess Club, the two Sports Clubs. From the female's side, as mentioned above, the two women's associations were by far the most popular. The societies in which joint membership of male and female was intended were the four political societies - but these also tended to segment into male and female sections - the Church Choir, the University Graduates Association, and I.O.G.T. Lodge. Of these only the Church Choir and The University Graduate Association were active as far as the sample concerns, both of which characterised by much limited membership.

(b) Informal Social Activities. Even though only a limited number of the families interviewed were actively engaged in formal and organized social activities, all of them were socially active outside the home in less formal and unorganised ways. They visited relatives, friends and neighbours and were in turn visited by them, they went to the local cinema, they packed the sports ground for the decisive soccer match against the rival team from the Capital, they enjoyed the occasional visit of a theatre group from the Capital, attended the dance organized by the Married Couples' Club, the women kept the local gossip alive in the numerous "Sewing Clubs", and the whole family was taken on a trip in the family car on a Sunday afternoon.

There is no opportunity to go into all these things in detail within the present context, but it is not possible either to leave them behind altogether. In particular it will be interesting to compare the "degree of segregation of conjugal roles"<sup>1</sup> revealed in the informal social activities to that of the formal activities discussed above.

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1 I am borrowing this phrase from E. Bott's discussion on the family in her "Family and Social Network", London, 1957.

1. Relatives, friends and neighbours.

A. Relatives was by far the most important category of the three as far as social relations were concerned. Only twelve (12) out of the fifty six (56) couples had no close relatives living in Akranes, a close relative being a father, a mother, a brother or a sister. Eighteen (18) of the wives had one or both of parents living in Akranes compared with twenty seven (27) of the husbands. Thirty (30) husbands had brother(s) and/or sister(s) in Akranes compared with twenty eight (28) of the wives.

Table 24. Contact between relatives

<u>Families</u>	<u>Number</u>	<u>Percentage</u>
A. With close relatives in Akranes	44	79
B. Having daily meetings	11	25
Having regular meetings	19	43
Having infrequent meetings	12	27
No information	2	5
<u>Total</u>	<u>44</u>	<u>100</u>

It can safely be affirmed that the degree of contact between close relatives is primarily determined by the presence or non-presence of the wife's relations. This can be demonstrated by the facts (1) that in all the families having daily meetings with close relatives these meetings were between the wife and her mother or sister(s) and (2) that in the twelve families having infrequent meetings with close relatives only four of the wives had relatives of this kind in Akranes.

In order to throw some further light on the nature of these contacts the following examples may be helpful:-

Daily meetings: (a) A Fisherman's wife "Mom drops in every morning.

She lives next door. My sister used to live in the house over there. She died four years ago. I miss her very much ... I seem to be much more alone since she died ..."

(b) A clerk who has an extra job: "This just would not work", he says, "how much I am away from home, if her parents did not live so close. It is her second home, you could say".

Regular meetings: (a) A wife of a net-maker: "In the evenings we often take a short drive around, look in at men's who lives in the outskirts of the town, or we may visit my sister who is married to a farmer just outside the town".

(b) The wife of a fish-producer: "My husband's family sticks together. His brothers and sisters often drop in, and we used to go together to the Married Couples' Club for dancing ... Often on a Sunday afternoon we take the car and go to see my parents" (who live in a neighbouring village).

Infrequent meetings: (a) The wife of a lorry-driver: "No, we don't see much of each other - except at birthdays and confirmations, perhaps ...", "when you are supposed to give presents", her husband added laughingly.

(b) A carpenter: "We don't see any more of the relatives than of somebody else".

Contact with relatives living in far away districts was often maintained through visits in the summer. Again, this was much more frequent in case of the wife's close relatives. The husband might not be able to go because of work commitments but this did not prevent the wife from taking the children and spending most of the summer with her parents. The importance attached to the physical nearness of one's relatives, positively demonstrated in Table 24 above, was confirmed negatively as well, cf. the following



example. The wife of a man in a managerial occupation who has been living in Akranes for five years told me that she has not got to know anybody, really, and that she feels much isolated. "These people all seem to be related to each other and if you are one of those who have moved in, as I have, you feel you are outside. If only one of my brothers or sisters were living here too, that would make all the difference". She goes every summer up north to stay with her parents and now she has left her oldest daughter there.

The impression I got that most of the newcomers to the town had adjusted themselves quite smoothly to the new environment seems to be largely due to the fact that they were either preceded, accompanied, or followed by some of their close relatives who took up residence in the town as well.

Christmas is the big occasion for family gatherings, challenged only in this importance by the occasional confirmation in the family when relatives from the capital and neighbouring towns frequently join in.

B. Friends and Neighbours. Somewhat as one might expect friends and neighbours played more prominent part in the life of those families where contact with relatives was less effective. This does not mean, of course, that there was not much overlapping between the categories. Regular contact with close relatives did not exclude contact with friends and neighbours and vice versa. Nor is it always possible to make a clear demarcation between friends and neighbours, but it is possible to discover whether friendship is based on the fact of physical proximity or not. Without wanting to leave the impression that contact with friends was an important aspect of the social life of the families interviewed, it was clear that this aspect was much more readily recognized as a worthy topic for discussion than was that of neighbour-

relations. The friends might drop in for a cup of coffee in the evening, the neighbours hardly ever did. Besides, "the neighbours" is a delicate subject in an interview. One gets a hurried answer, such as: "We have nothing but good to say about our neighbours", - and one is not supposed to raise the issue again. In fact, effective neighbour-relations ("effective" meaning more than a polite 'good morning') proved to be extremely rare, sometimes made impossible because the relatives were occupying the neighbouring houses! Where on the other hand neighbour-relations seemed to be prominent the reasons given for this (without my asking for reasons, which implies that the need was felt to explain this unusual but pleasant state of affairs) were primarily concerning similarity of age - "of all of us around here", and the fact that most of the neighbouring houses were built at the same time, making the practice of "return-labour" frequent. The question of age was also brought out as a reason why neighbour-relations had not been established, of. the housewife who has been living in the same house for twenty nine years and said she had never entered the next house, but then added "... but they are so much older than I am".

2. Recreation and Sport. The winter is the time for organized recreational activities in the town, the start of the "season" dictated by the return of the boats from the North. After the slumber during the summer, only broken through the occasional excitement at the soccer field, the mixed sound can be heard again of discussions at meetings, singing in the Men's Choir, of dance music from the Anniversary Ball, and the peculiar sound when the rattle of the pins becomes one with the exchange of gossip in the numerous "Sewing Clubs". -x The local cinema which during the summer is open only over week-ends was visited mainly by the very young portion of the sample. "On Sunday



nights we like to dress up and go to the cinema". The cinema hall is used for public concerts as well, which do not take place often but are well attended. In particular many couples said they always went to hear the concerts given by the Men's Choir, and the occasional visit by an artist from the Capital, or still better from abroad, was a memorable event. Quite a number of my respondents said they enjoyed going to the dances organized by the Married Couples' Club. These dances are once every month during the winter, but the attendance of my respondents was generally indicated as "once, perhaps twice". All the clubs and all the more active societies give an anniversary ball. This is a big occasion and the majority of my respondents said they used to go to one or the other, even those who said they just stayed home most of the time. On Saturday evenings there is a dance in the local Hotel, but even the youngest couple in the sample felt they were too old to enjoy themselves in the company of the teenagers who dominate the scene there. A visit to the Capital in order to spend the evening in the National Theatre was mentioned now and then, but this was recognized as being something out of the ordinary. In fact, visits to the Capital seemed to be quite rare and then chiefly for some business purpose or another, involving only the head of the family. The youngest group of families, however, were exceptional in this respect as here the couple made the occasional visit to the Capital for the sole purpose of "having a good time", by going to a dinner-dance, a pop-concert, etc.

The "Sewing Clubs" are a nation wide phenomenon among Icelandic women which deserve some attention in any study of the family in this society. For one thing the study of their composition in any particular community can tell the researcher a lot about the nature of social relations within the

community. One third (18) of the housewives interviewed said they belonged to a "Sewing Club" and my inquiries revealed that over fifty per cent of these clubs were formed on the basis of ties of kinship and affinity. Then also old schoolmates had joined in a club, another was formed by women who all had moved in from the same district in the North-West and yet another club was formed by women in "the neighbourhood". The composition of the clubs thus reflected the external social network of the families interviewed, and one can see how the individual character of the network is strengthened through the regular meetings of the clubs - A club had a membership of anything from 3 - 10 women, 5 - 6 being the average size. They meet regularly from October to May, a number of them once every week, the majority twice every month. They meet in the homes alternatively and much pride is taken in the quality of the home-baking when it is your turn to be the hostess. The object of the meeting is to sew or knit as indicated by the common name for the clubs, but it is a matter of common knowledge among the male population, which is strictly tabooed to the meetings, that the over-ruling object is to talk gossip. However that may be, to be a member of a "Sewing Club" was greatly appreciated by a number of the women in the sample, sometimes giving them the single opportunity for a change from the routine of household chores. Membership of a "Sewing Club" was furthermore used by some as the yardstick for measuring their degree of participation in social activities. "I am not even a member of a sewing club" was as much as to say "I never leave the house".

Informal social activities during the summer are very much of a different character. The summer is the time for short trips in the family car, sometimes for salmon fishing, and the summer is the time for soccer. About



fifty per cent of the families had a car and much priority was given to the possibility of the occasional trip on a Sunday afternoon or over the weekend. The organizers of the yearly summer trip, which is one item on the agenda of most clubs and societies, told me that it was becoming increasingly difficult to maintain this custom as most people had their own car and preferred to go somewhere separately with their family. Thus, e.g. these last two summers the summer trip of the employees in the Cement Factory had to be called off for lack of participation. I was present at the meeting of the Rotary Club when the "summer trip" was taken to discussion. The organizers had great difficulty in finding suitable time for the trip as so many members had already made plans with their families to go somewhere - Six of my male respondents were members of the local salmon fishing club. Five of them said they always took the family with them for the fishing trip whenever possible. The tour lasts for 3 - 4 days each time and there are as many as four during the summer.

Association football is the sport in Akranes. The local people are very proud of their team, and have full reason to be as it has captured the Icelandic Championship several times since 1950. They love to tell the story of a German team which visited the Capital and beat all the significant clubs there. The Germans then visited Akranes and were forced to accept a draw. In the farewell celebrations after the match the German Team Manager is reported to have said that they had known that Reykjavik was the Capital of Iceland, but now they knew that Akranes was the Capital of Icelandic Football. This distinction is of course well known by the Akranes people themselves. Soccer in Iceland is strictly non-professional, and the season runs from early June to late September.



A considerable number of my respondents were regular supporters of the local team and most of them used to take their wives to the match as well. The first time I went to a match during my stay in Akranes I was quite surprised by the number of women spectators, not to mention the occasional pram!

These last remarks may seem trivial, but they immediately gain in importance when taken in connection with the question of joint or segregated participation of husband and wife in social activities. This question was raised at the conclusion of the discussion on formal social activities and so also I intend to do now in concluding this section on informal social activities.

As far as contact with relatives is concerned the degree of segregation tended to rise with increased frequency of this contact and not surprisingly so as the frequent meetings between the wife and her mother, to take an example, often seemed to compensate for the absence of the husband because of work commitments. Contact with friends and neighbours, on the other hand, gave the impression of being more of a joint undertaking of husband and wife. Going to a dance was always seen as a joint affair, whereas going to the cinema might be done in the company of relatives or friends. The "Sewing Clubs", needless to say, are strictly a female undertaking.

If an attempt were to be made to decide whether these informal social activities, undertaken during the winter, showed a preference for either pole of joint or segregated participation, I should say that the force of the contact with relatives together with the much-alive "Sewing Clubs" made the segregated type the more prominent. This decision, however, is contradicted by the nature of informal social activities that take place during the summer. Here the priority given to trips in the family car much underlines

the ideal of joint participation of husband and wife, and this ideal is again reflected on the stands of the sports field. The subject was not openly raised in but few of the interviews but when raised the ideal of joint participation was emphatically expressed. This, it should be noted, is hardly of much importance as my question may well have been understood as a tricky way of asking if they were in love with each other, and very few couples, one expects, are ready to admit that they are not if that indeed is the case.

7. Religion. The final point of general interest about the family to be treated in this survey concerns the place of religion in the life of the family. As mentioned above practically everyone in the town is registered by the Registrar General as a member of the National Lutheran Church; so also in the sample, all but one woman and one man (from two separate families) belonged to the National Church. The woman who was registered as having no religious affiliation whatever took her children to be baptized into the National Church. The other person was a foreigner and a Roman Catholic.

In my role as an assistant minister in the town it did not take me long to appreciate the discrepancy between the figures issued by the Registrar General and the figures revealed by the number of empty seats in the small Church Sunday morning after Sunday morning. In at least one instance only five seats were taken and the attendance never rose to more than some thirty persons. Services are usually held at 2 o'clock in the afternoon - no evening service - but I was advised to change the time to 10.30 in the morning because of all the families that like to go on a trip in the family car immediately after noon. This alteration did not make any recognizable difference in the attendance, however. It could be argued, of course, that the very low attendance was in part due to the absence of the local minister,



but I was reassured by members of the Church Choir and the Church Warden that this standard of attendance was just about normal. These people knew that my interest in the matter was not merely ministerial, in which case they might have arranged the truth slightly so as not to hurt my feelings, and I feel convinced that I was given reliable information on this matter. This conviction grew ever stronger as the interviewing process advanced, but during the interview the question of church going was always raised. If anything, it is likely that the fact that the respondents knew of my role as the minister has encouraged them to state higher church attendance than actually is the case. My impression was, however, that my ministerial role did not affect the situation to any noticeable extent, which in itself might be a significant pointer to the attitude of "could not care less" about what the Church thinks about one's behaviour. The following Table shows church attendance of my respondents and the categories are in general those used by the respondents themselves.

Table 25.

	<u>Church attendance</u>			
Regularly	..	..	..	6
2 - 3 times a year	..	..	..	7
On Fishermen's Day (once every year)				3
At burials and at confirmations..				5
Very seldom	..	..	..	18
Never	..	..	..	13
No information	..	..	..	4
			<u>Total</u>	<u>56</u>

All those who are classified as regular church goers were under an obligation to attend church, as five of them were members of the Church Choir and

one was the Choirmaster himself. It was apparent that those who said they went to church 2 - 3 times a year looked upon themselves as fairly regular church goers and in more than one case it was possible to detect a measure of self-satisfaction in their reply. The service on Fishermen's Day is a part of the celebrations which take place on this day and these are of course chiefly attended by the fishermen. Some of my respondents who no longer were at sea said they always used to go to Church on this day, but not any more. Confirmation and funeral ceremonies are generally occasions on which one would expect to find every seat in the Church taken. At the former occasion the community is gathered to witness the introduction of its young population, not so much into the Church, but rather into the initial stage of adulthood within the community. On the second occasion the same community gathers in order to take leave of one who has been a recognizable part of this community and has contributed to its sense of identity. Both occasions are of great community interest and it seems reasonable to suggest that this interest takes much precedence over such theological associations as in principle at least are meant to go with these ceremonies. Funeral services are frequently held on Saturdays and if the Church was crowded on such an occasion, I was told, the attendance at the regular service the day after would be at its very lowest.

"Very seldom" is a broad category as it is used in the Table above, but it is meant to include those among my respondents who said they did go to Church only once or twice in so many years and not as often as once every year. The boundary line between this category and the next below, "Never", is based on actual words used by people to describe their church-going, but my impression was that in fact much overlapping existed between the two.



Thus some might say that they "never went to church", but in fact they did go about as often as some of those who were classified as going "very seldom".

Bearing in mind the qualifications that have been made concerning the categories of church attendance another Table can be drawn up in terms of "church-goers" and "non church-goers" as these terms seem to be interpreted by the community itself.

Table 25a.

	<u>Church attendance</u>	
Church-goers	15	25 per cent.
Non-church goers	39	75 per cent.

In a sense it would be possible to argue that there was indeed none belonging to the sample who was a regular church-goer if those on duty as members of the Church Choir are not counted among ordinary members of the congregation.

In discussing the place of religion within the life of the family it would be wrong to suggest that all one needs to know is how often the family members go to church. This point was frequently raised by my respondents themselves at the same time as they added that they now and then listened to the morning service on the radio. Others were concerned about the religious upbringing of their children and blamed the Church for inactivity on this particular sphere.

Having admitted the limited value of the degree of church attendance as an index for religion within the family the fact should not be overlooked that it is primarily by going to church that a person is in a position to hear the Christian message expounded. The impact, therefore, of this message upon the everyday life, including morals and values, of a particular community can be expected to be a reflection of the degree of Church-going within the



community. If this is true it seems safe to conclude that in Akranes the Church is not a significant factor in giving direction to public opinion and private sentiments concerning marriage and the family and the forms of family organizations.

This short section on religion concludes the preceding general discussion about the family. My intention was to provide a broad background picture to the discussion that now follows in accordance with the sociological theory which prescribes that the study of one of the main issues in the present inquiry, illegitimacy, should be conducted in its relation to the wider social structure. Some of the general characteristics of this structure should by now have become visible as far as my chosen community concerns, but it remains to focus the attention to the more specific traits of the social structure which directly bear upon the question of illegitimacy, viz. types of family organization.

### III. The Incidence of Illegitimacy and Types of Family Organizations

In going through the records of all live births which had been registered in the Parish Records of Akranes over a particular period it soon became apparent that the children were born into at least four different types of family systems. The majority were registered as children of married couples and, therefore, by definition, as legitimate. Others were registered as children of man and woman who were cohabiting, some as children of engaged couples. In a number of cases the records stated that the parents had been married at the same time as the child was baptized, and finally there was the group of children whose parents were neither married, cohabiting, nor engaged, as far as the records were concerned. All the children not born into the marriage - family were, again by definition, classified as illegitimate regardless of into which type of the non-marriage family system they had been born. The presence of these different types of non-marriage family systems, all producing illegitimate births, aroused my interest, as only a quick glance at the constitution of these systems made it obvious that the official rate of illegitimacy was in fact highly deceptive. It seemed clear that this rate had to be broken down into the different categories indicated above if the object was to get any insight into the question of illegitimacy as a social problem<sup>1</sup>. Looked at from the other end it will be appreciated that by considering the nature of illegitimate births in this way

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1 I was in other words reminded of the difference between legal and social illegitimacy, cf. W.J. Goode, writing on "Social Norms Defining Types of Illegitimacy", "These examples suggest that although illegitimacy can be defined legally and formally, in fact, the various types make up a range of socially very different patterns, under different intensities of social disapproval, and with very different consequences for the social structure as well as for the individuals concerned". The Family, New Jersey, 1964, p. 23.



I was in a position to document, and to verify through repetition, the different forms of family organizations existing within the community. It was primarily with this documentation in mind that I approached the sample. From my respondents, as constituting a fairly representative cross section of the community, I wanted to acquire further depth to the picture which the records were unable to give. I wanted to know in which types of family systems my respondents had lived themselves and were now living in, the reasons they gave for entering one or the other, and generally to sound their sentiments and attitudes towards the various forms of family systems. In short, I wished to come across some of the underlying elements which made it possible for these family systems to function within this particular community.

I propose to present the subject in the same order as it was originally approached and shall accordingly not begin the discussion of the sample until the relevant figures and tables relating to the total population have been listed and commented upon. This preliminary presentation will consist of information about the rate of illegitimacy for Akranes as compared with the capital and the nation as a whole, followed by the classification of all illegitimate live births in the town during the period 1946 - 1964. Then come Tables showing (1) the occupational status of fathers of illegitimate children born in cohabitation; (2) the legal residence of husband and wife before their wedding; (3) and finally the percentage of first born children born out of wedlock as compared with second born.

Table 26.

The rate of illegitimacy

<u>Year</u>	<u>Akranes</u>	<u>Reykjavik</u>	<u>Iceland</u>
1916-20	23.5%	16.5%	13.1%
1921-25	17.6%	16.0%	13.5%
1926-30	13.2%	16.8%	14.5%
1931-35	19.5%	19.6%	18.6%
1936-40	20.2%	20.8%	23.2%
1941-45	25.6%	23.3%	24.9%
1946-50	30.4%	25.0%	26.2%
1951-55	29.9%	24.3%	26.6%
1956-60	33.8%	23.7%	25.3%
1959-63			25.6%
1961-64	25.8%		

The illegitimacy rate in Iceland was as high as 20.2 per cent for the period 1876-85, but by 1916-20 it had dropped to 13.1 per cent and remained around this level up to 1930. From 1930-40, on the other hand, it rose quite sharply, but since 1940 there have not been much fluctuations in the rate as far as the whole country is concerned. The Table shows that Akranes has generally been above the national average and the average in the Capital as well. In this respect Akranes is not different from other small towns and villages in Iceland as these have been the places where the rate has been highest. During the period 1956-60 Akranes showed the highest illegitimacy rate of all towns in Iceland, one in every three children born alive being illegitimate. Since 1960, however, there has been a sharp fall in the rate, bringing Akranes slightly above the national average of one child in every four.

In the following Table all illegitimate live births in Akranes from 1946-1964 are classified according to the relationship between the parents as this was indicated in the records of the Parish Register. Care was taken to sift from the records all births which were given by mothers not living in Akranes. As mentioned earlier there is a hospital in the town and this brings in maternity cases from the neighbouring districts and villages in increasing numbers.

In the classification that follows I use the term "de facto" illegitimacy in order to represent that group of children who, according to the records, are born to parents who are not married, engaged, or cohabiting. It is the group of children who are deprived of their 'social father', a position which constitutes the social problem generally associated with the term "illegitimacy".



Table 27. Classification of illegitimate births in Akranes 1946-1964.

1946-50		1951-55		1956-64	
Live births total	385	118	118	118	385
Parents were publicly engaged:	5	5	5	5	5
Parents were cohabiting:	77	77	77	77	77
Marriage at child's baptism:	1	1	1	1	1
Parents were publicly engaged:	8	8	8	8	8
Parents not married, engaged or cohabiting:	32	32	32	32	32
Illegitimate "de facto" 1946-50:	32	32	32	32	32
Illegitimate "de facto" 1951-55:	32	32	32	32	32
Illegitimate "de facto" 1956-64:	32	32	32	32	32
Live births total	64	64	64	64	64
Parents were publicly engaged:	83	83	83	83	83
Parents were cohabiting:	84	84	84	84	84
Marriage at child's baptism:	77	77	77	77	77
Parents were publicly engaged:	77	77	77	77	77
Parents not married, engaged or cohabiting:	32	32	32	32	32
Illegitimate "de facto" 1946-50:	32	32	32	32	32
Illegitimate "de facto" 1951-55:	32	32	32	32	32
Illegitimate "de facto" 1956-64:	32	32	32	32	32
Live births total	118	118	118	118	118
Parents were publicly engaged:	118	118	118	118	118
Parents were cohabiting:	118	118	118	118	118
Marriage at child's baptism:	118	118	118	118	118
Parents were publicly engaged:	118	118	118	118	118
Parents not married, engaged or cohabiting:	118	118	118	118	118
Illegitimate "de facto" 1946-50:	118	118	118	118	118
Illegitimate "de facto" 1951-55:	118	118	118	118	118
Illegitimate "de facto" 1956-64:	118	118	118	118	118
Live births total	385	385	385	385	385
Parents were publicly engaged:	385	385	385	385	385
Parents were cohabiting:	385	385	385	385	385
Marriage at child's baptism:	385	385	385	385	385
Parents were publicly engaged:	385	385	385	385	385
Parents not married, engaged or cohabiting:	385	385	385	385	385
Illegitimate "de facto" 1946-50:	385	385	385	385	385
Illegitimate "de facto" 1951-55:	385	385	385	385	385
Illegitimate "de facto" 1956-64:	385	385	385	385	385

1.e.e. 30.6%

32 i.e. 8.3%

32 i.e. 8.3%

32 i.e. 8.3%

30.8%

8.1%

1951-52

Live births total 465.

Illegitimate 141  
(139 acc. to Registrar General)

i.e. 30.3%

Parents were cohabiting:	76	i.e. 54%	of all illegitimate births.	16.3%	of live births.
Marriage at child's baptism:	4	" 2.8%	- do -	0.9%	- do -
Parents were publicly engaged:	8	" 5.6%	- do -	1.8%	- do -
Parents not married, engaged or cohabiting:	53	" 37.6%	- do -	11.4%	- do -

Illegitimate "de facto" 1951-55: 53 i.e. 11.4%

<u>1951:</u>	Live births total	96	Illegitimate	28	i.e. 29.2%	Illegitimate "de facto"	8.3%
<u>1952:</u>	- do -	81	- do -	20	" 24.7%	- do -	11.1%
<u>1953:</u>	- do -	74	- do -	19	" 25.7%	- do -	10.8%
<u>1954:</u>	- do -	106	- do -	41	" 38.7%	- do -	17.0%
<u>1955:</u>	- do -	108	- do -	33	" 30.6%	- do -	9.3%
		465		141	30.3%		11.4%

1956-60

Live births total 586.

Illegitimate 201  
(198 acc. to Registrar General)

i.e. 34.3%

Parents were cohabiting:	106	i.e. 52.7% of all illegitimate births.	18.1% of live births.
Marriage at child's baptism:	43	" 21.4%	7.3% - do -
Parents not married, engaged or cohabiting:	52	" 25.9%	8.9% - do -

Illegitimate "de facto" 1956-60: 52 i.e. 8.9%

<u>1956:</u>	Live births total	121	Illegitimate	39	i.e. 32.2%	Illegitimate "de facto"	10.7%
<u>1957:</u>	- do -	124	- do -	39	" 31.5%	- do -	6.5%
<u>1958:</u>	- do -	104	- do -	49	" 47.1%	- do -	8.7%
<u>1959:</u>	- do -	112	- do -	34	" 30.4%	- do -	8.9%
<u>1960:</u>	- do -	125	- do -	40	" 32.0%	- do -	9.6%
		586	201		34.3%	8.9%	

1961-64

Live births total 445.

Illegitimate 115

i.e. 25.8%

Parents were cohabiting:	44	i.e. 38.3% of all illegitimate births.	9.9% of live births.
Marriage at child's baptism:	28	" 24.3%	6.3% - do -
Parents not married, engaged or cohabiting:	43	" 37.4%	9.7% - do -

Illegitimate "de facto" 1961-64: 43 i.e. 2.7%

<u>1961:</u>	Live births total	111	Illegitimate	27	i.e. 24.3%	Illegitimate "de facto"	9.0%
<u>1962:</u>	- do -	123	- do -	29	" 23.6%	- do -	8.1%
<u>1963:</u>	- do -	103	- do -	29	" 28.2%	- do -	11.7%
<u>1964:</u>	- do -	108	- do -	30	" 27.8%	- do -	10.2%

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445

115

25.8%

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9.7%



1946-64

Live births total	1,881.		Illegitimate	575.		i.e. <u>30.6%</u>
Parents were cohabiting:	303	i.e. 52.7% of all illegitimate births.			16.1% of live births.	
Marriage at child's baptism:	76	" 13.2%	- do -		4.0%	- do -
Parents were publicly engaged:	16	" 2.8%	- do -		0.9%	- do -
Parents not married, engaged or cohabiting:	180	" 31.3%	- do -		9.6%	- do -

Illegitimate "de facto" 1946-64: 180 i.e. 9.6%

This Table shows vividly how very deceptive the official figures indicating the rate of illegitimacy are if by illegitimacy in social terms is meant the presence of a child which does not enjoy the natural environment of the two-parents-home. Less than one third of all illegitimate children born alive in Akranes in 1946-64 belonged to this category of illegitimacy and it should be noted that this figure is a maximal figure as the records do not tell us about such cases when the parents later got engaged, entered cohabitation, or became married.

If we continue by looking at the summary table in the end, covering the whole period, we see that cohabitation was responsible for just over fifty per cent of all illegitimate live births, bringing the illegitimacy rate to 16 per cent. Illegitimacy "de facto" adds 9.6 per cent to the rate, marriage at child's baptism counts for another 4 per cent and "engaged parents"

supply the final 1 per cent, making the total of 30.6 per cent. The use of these categories, it should be noted, does not exclude considerable internal overlapping if the final category in the Table, "de facto" illegitimacy, is excluded. One can thus safely assume that the great majority of the parents, not considering "de facto" cases, were in fact publicly engaged at the time of the child's birth, but the fact that this total group of engaged parents is differentiated in the Parish Register is significant, and this differentiation allows for a closer look at the patterns of family organization in the community, and at the formation and development of these patterns. The subsequent discussion on the sample will be concentrated on the nature of these family patterns, but we can get some picture of trends and internal changes by comparing the five years periods with each other.

If we start by considering cohabitation it becomes apparent that it has been decreasing in importance during the total period and specially so over the last four years. It has dropped from the demanding position of counting for 65.3 per cent of all illegitimate live births in 1946-50 to the still high but much less impressive figure of 38.3 per cent in 1961-64. Looking at the official rate of illegitimacy cohabitation was responsible for 20 per cent illegitimacy in 1946-50 as compared with 10 per cent during 1961-64. As any marked change first takes place in 1960 when the share of cohabitation in the total percentage of illegitimate live births is 29 per cent lower than the year before it seems likely that the new legislation on the taxation of married couples from 1958 has directly influenced this change, but this legislation, as we saw in the beginning of this chapter, abolished in the great majority of cases the financial advantage of cohabitation in favour of marriage.

At the same time as cohabitation has been losing in popularity the second category, "marriage at child's baptism", has been leaping ahead. From being an altogether insignificant category in 1946-50, contributing 0.8 per cent to the total percentage of illegitimate births, it has risen to the making of almost a quarter of this total percentage, 24.3 per cent in 1961-64. This custom of marrying first and then having the child baptized on the same occasion is accordingly a recent development, carrying with it some very interesting implications from a sociological point of view which will be discussed in due course. Above I mentioned overlapping between the categories. Now it is clear that those who marry at the same time as their child is baptized have in fact in most cases been cohabiting prior to the marriage and should therefore in a strict sense be classified among those cohabiting at the birth of the child, but the differentiation is important as the increase of those who marry at the baptism of the child is a pointer to the fact that more people are now terminating their cohabitation through marriage. By itself this recent development does not tell us anything one way or the other about the incidence of premarital cohabitation but it does show a definite trend towards an early marriage after a child has been born. Baptism normally takes place before the child has reached one year of age.

The third category, "parents were publicly engaged", did play a minor part during the first ten years of the period being studied, but after this it disappears from the records altogether. We may assume that it has been largely replaced by the preceding category. Again one is reminded of the fact of overlapping between the categories.

The fourth category in the classification of illegitimate births is different from all the others through there being no continuing relationship



between the parents. It is the illegitimate "de facto" category, the implication being that the other three are seen as various types of illegitimacy "de jure". It is immediately noticeable that in spite of annual fluctuations the average five year rate of "de facto" illegitimacy has remained stable at the same time as the other categories have fluctuated in much greater degrees. This constancy is one of the pointers to the different nature of this category from all the others, an indication, perhaps, that here we have reached the core of the "inevitable minimum" of illegitimacy within this particular community. The exceptionally high rate for 1951-55 is due to an extraordinary jump in 1954 in which year illegitimacy reached the very high figure of 38.7 per cent thereof 17 per cent being "de facto" illegitimacies<sup>1</sup>. The constancy of the "de facto" rate implies naturally that it takes greater share of the total percentage of illegitimate births as the official rate decreases. Thus at the same time as the official illegitimacy rate drops from 34.3 per cent for 1956-60 to 25.8 per cent for 1961-64, the share of "de facto" illegitimacies within the totality of illegitimate births rises from 25.9 per cent to 37.4 per cent.

In winding up this discussion on the classification of illegitimate births I stress the significance of the fact that this classification has reduced the official rate of illegitimacy from 30.6 per cent for the period 1946-64 to the "de facto" rate of 9.6 per cent; also it appears that in the "de facto" illegitimacy one may have reached a core which is much less affected by external influence, such as changes in legislation, than the other categories of illegitimacy apparently are.

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1 In 1954 the proportion of first births in the total number of live births was exceptionally high, 38.7 per cent as compared with 21.3 per cent the year after and 25.7 per cent the year before. As Table 30 infra shows the illegitimacy rate for first births is extremely high, and in 1954 it was 78 per cent. These facts taken together may go far in explaining the exceptionally high illegitimacy rate for 1954.



After the classification of illegitimate births there follows a Table which distributes the children born in cohabitation according to the occupational status of their fathers. By comparing this distribution to the occupational distribution of the total economically active male population of Akranes as it was by December 1st, 1964, we shall be in a position to evaluate whether, and then how, cohabitation is a type of family organization more typical for one section of the population than any other.

Table 28. Occupation of fathers of illegitimate children born in cohabitation in Akranes 1946-64.

<u>1946-50: Total 77 children</u>		<u>1951-55: Total 76 children</u>	
Labourers	25 children	Labourers	34 children
Fishermen	10 "	Fishermen	13 "
Drivers	10 "	Drivers	5 "
Engineers	7 "	Engineers	5 "
Apprentices	4 "	Apprentices	5 "
Carpenters	3 "	Captains	2 "
Mechanics	3 "	Mates	2 "
Shop Assistants	3 "	Painters	2 "
Captains	2 "	Electricians	2 "
Cooks	2 "	Joiner	1 child
Painter	1 child	Shop Assistant	1 "
Student	1 "	Clerk	1 "
Barber	1 "	Plasterer	1 "
Cashier	1 "	Athletics Instruct.	1 "
Clerk	1 "	No information	1 "
Mate	1 "		
No information	2 children		
<u>Total</u>	<u>77 children</u>	<u>Total</u>	<u>76 children</u>
<u>1956-60: Total 106 children</u>		<u>1961-64: Total 44 children</u>	
Labourers	44 children	Labourers	19 children
Fishermen	22 "	Fishermen	8 "
Drivers	10 "	Drivers	6 "
Apprentices	6 "	Apprentices	3 "
Engineers	4 "	Carpenters	3 "
Carpenters	4 "	Joiner	1 child
Captains	3 "	Plasterer	1 "
Plasterers	2 "	Foreman	1 "
Shop Assistants	2 "	Mechanic	1 "
Mechanics	2 "	No information	1 "
Shopkeeper	1 child		
Foreman	1 "		
Barber	1 "		
Motor Mechanic	1 "		
Net-maker	1 "		
Painter	1 "		
No information	1 "		
<u>Total</u>	<u>106 children</u>	<u>Total</u>	<u>44 children</u>

1946-64. Classified occupations of fathers of illegitimate children born in cohabitation.

	P E R C E N T A G E					*
	46-50	51-55	56-60	61-64	46-64	Economically active male population Dec. 1. 1964
Unskilled manual	45	62	62	61	57%	41%
Semi-skilled "	20	16	16	23	19%	17%
Skilled "	25	17	18	14	18%	23%
Non-manual routine	6	3	2	-	3%	9%
Professional and managerial	1	1	1	-	1%	10%
No information	3	1	1	2	2%	-

\* Cf. Table 3a supra.

These Tables reveal on one hand the very definite predominance of cohabitation within the unskilled manual occupations of labourers and fishermen, and on the other the virtual non-existence of children born in cohabitation in the non-manual occupations. The comparison with the occupational composition of the community by December 1st 1964 makes the further comment possible that at the same time as the 41 per cent, classified as unskilled manual occupations, is responsible for the average of 57 per cent of the illegitimate births born in cohabitation, the 19 per cent, classified as non-manual occupations, can only be accorded with the average of 4 per cent of these births. This is of course a highly disproportionate trend as far as this particular type of family organization is concerned. It is noticeable also, but not unexpected, that the concentration of this family type within the manual

occupations becomes more exclusive as its frequency rate within the community decreases.

Closely related to the question of cohabitation is the information supplied by the following Table on the legal homes of brides and bridegrooms prior to their wedding. Here it was considered that the couple had the same legal home if they both occupied the same address. It was not possible to detect such cases where they were living in separate flats within the same house, but my impression was that this would be most exceptional and not likely to alter the figures quoted in any significant degree.

Table 29. Legal home of brides and bridegrooms in Akranes before their wedding 1950-64.<sup>a</sup>

<u>Year</u>	<u>Bridal Couples Total</u>	<u>Thereof same legal home before wedding</u>	<u>Percentage</u>
1950-54	98	67	68.4
1955-59	126	86	68.3
1960-64	113	65	57.5

<sup>a</sup> Source: Parish Register of Akranes.

The first two five years averages show a remarkable constancy, and the figures of just under 70 per cent fall very much in line with the figure on premarital cohabitation among my respondents, cf. later discussion. Note also how the present figures compare with the following Table on the illegitimacy rate of first births during this same period.

That the percentage of the same legal home before wedding should drop during 1960-64 is significant as it is in keeping with the decline in the practice of cohabitation which was noted earlier as a possible result of the new taxation legislation.



Table 30. First live births in Akranes 1950-64<sup>22</sup>

<u>Year</u>	<u>Total 1st Births</u>	<u>Illegitimate</u>	<u>Percentage</u>
1950-54	121	85	70.2
1955-59	144	106	73.6
1960-64	117	86	73.5

<sup>22</sup> Source: Parish Register of Akranes.

Table 31. Second live births in Akranes 1950-64<sup>22</sup>

<u>Year</u>	<u>Total 2nd Births</u>	<u>Illegitimate</u>	<u>Percentage</u>
1950-54	101	25	24.8
1955-59	157	44	28.0
1960-64	119	29	24.4

<sup>22</sup> Source: Ibid.

The Statistical Bureau of Iceland has not yet published any figures to compare with these Tables, but I was given permission to use what has been prepared so far for later publication. As only two years had been fully worked out, 1961-1962, my information is limited to these years. The following figures, then, are for the whole of Iceland.

Table 32. First live births in Iceland 1961-62

<u>Year</u>	<u>Total 1st Births</u>	<u>Illegitimate</u>	<u>Percentage</u>
1961	1,163	699	60.1
1962	1,170	712	60.9

Table 33. Second live births in Iceland 1961-62

<u>Year</u>	<u>Total 2nd Births</u>	<u>Illegitimate</u>	<u>Percentage</u>
1961	1,050	237	22.6
1962	1,035	218	21.1



These Tables on first and second births should be studied together as the very sharp fall in the illegitimacy rate from a first child to a second is as good an indication as any to the effect that people tend to get married after the birth of the first child. The recent development of the practice of marriage at the child's baptism fits of course into this pattern as it is generally at the baptism of the first child that the wedding takes place. The continuing popularity of this practice could also explain why there is not any fall in the illegitimacy rate of first births after 1960 comparable to the fall in the official rate and to the fall in the practice of cohabitation.

Finally I have included Tables which show the age of mothers and fathers of illegitimate first children in Akranes.

Table 34. Age of mother of an illegitimate first child in Akranes, 1950-1964

Illegitimate first live births total 277

<u>Mother's Age</u>		
19 and under:	158	i.e. 57 per cent.
20 - 24:	98	" 35.4 "
25 and over:	21	" 7.6 "

Table 35. Age of father of an illegitimate first child in Akranes, 1950-1964

1950-51 + 1958-64: Illegitimate first live births total 160

<u>Father's Age</u>		
20 and under:	56	i.e. <u>35 per cent.</u>

1952-57: Illegitimate first live births total 117

<u>Father's Age</u>		
19 and under:	18	i.e. <u>15.4 per cent.</u>

The second Table is of particular interest in that it bears upon a question which has considerable relevance with regard to the relationship between illegitimacy and family organization. This is the question of the legal age limit at marriage as it applies to the men. This limit is set at the age of 21 as we have seen, but an exception is readily made by due authorities if the person has reached the 20 years mark. It was with these limits in mind that the second table was drawn up. The two age groups were set up so as to represent, first, the percentage of fathers who were under the marriageable age limit in strict legal terms, and second, the percentage of fathers who were also under the limit at which an exception can be easily obtained. In view of these distinctions we can now see that 65 per cent of the first group of 160 fathers had already reached the legal age limit of 21 and just under 85 per cent of the remaining 117 fathers were past the age at which they would have found any difficulties in securing a marriage licence. These figures can only be interpreted as speaking strongly against the assumption, sometimes made, that it is the high legal age limit to which the men are subjected which debars the prospective parents of a first child from marriage. If this were the case one would surely have expected much higher percentage of fathers below the marriageable age of 20-21.

The question of young age in connection with the illegitimacy issue is important, however, but in different terms as we shall see presently.

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As we now turn again to the discussion of the sample itself we should have got at least a preliminary idea about the patterns of family organization within the community. In the course of the following discussion I intend to deal with these patterns under three main headings, each designed so as to bring out the focal point of one particular pattern. These headings are "The Engagement Family", "The Cohabitation Family" and "The Marriage Family".



A. The Engagement Family

In the discussion on the classification of illegitimate births there was a loose reference to the point that the great majority of the parents who had an illegitimate child were likely to be publicly engaged if "de facto" illegitimacies were excluded. This point brings us now to a further investigation of the institution of engagement and what role it plays in shaping the patterns of family organization. At the same time the relation of this institution to the incidence of illegitimacy will emerge.

From the historical survey presented in the preceding chapter we got a picture of a rather peculiar development through which the institution of public engagement emerged as almost the civil corollary of an ecclesiastical marriage. Not so much in the sense that it could replace marriage, but rather, even though leading to marriage in most cases, in that the public engagement was seen as conferring upon its incumbents the privilege of living together as man and wife. The illegitimacy rate was high as internal pressure upon these people to get married was apparently not strong and the external pressure of Church and State, although existing, was not effective. The old legal consciousness that children born to betrothed parents were indeed legitimate was very hard to suppress.

Although in 1965 people have generally come to realize that children born in engagement are illegitimate, the understanding that it is permissible for those engaged to have sexual relations seems to be as strong as ever. I use the term "generally" with purpose as quite a number of my respondents expressed the opinion that they thought it "unfair" that their child, born illegitimate, should ever have "come on record as such, because, "they would add, "we were already engaged"; or more frequently the argument would run

something like this: "Well, I suppose it was illegitimate according to the law, now that you mention it, but we never thought of it in such terms".

In the very early stages of the interviewing process I was somewhat hesitant in probing into the question of the premarital relations of my respondents, such as whether they had moved together before the wedding, and two of the first interviews had to be dropped because of lack of information on this point. But I very soon discovered that my fears of creating awkward situations which might upset the whole interview were on the whole altogether misjudged as apparently I was only asking about the most natural things as far as my respondents were concerned, namely how long they had been living together as engaged before they got married etc. This straightforward air of normalcy surrounding the issue is of course sociologically quite significant as it implies that the persons in question did not look upon their behaviour as deviating in any sense nor did they see others in similar positions, e.g. their sons and/or daughters, as being wrong. I should add, however, that there were notable exceptions from this attitude and these will be discussed later.

The following Tables provide the necessary factual background to the picture of the engagement-family which I have now set out to draw.

Table 36. Cohabitation prior to marriage

	(21) <sup>*</sup>	
Young Group		
(34 and under)	16	76.1 per cent.
	(30) <sup>*</sup>	
Older Group		
(35 and over)	19	63.3 per cent.

\* Total number of families when those in continuous cohabitation are excluded.

Table 37. Continuous cohabitation<sup>1</sup>

Young Group - 1 family.  
Older Group - 4 families.

Cohabitation, preliminary and continuous, totals  
40 couples, i.e. 71.4 per cent of total sample.

1 In order to fill in the picture of the incidence of cohabitation, possibly started on the basis of public engagement, the table on continuous cohabitation is included here even though further discussion on this family type awaits its proper place.



As one can safely assume that cohabitation, whether preliminary or continuous, has followed in the course of the constitution of engagement and is justified by reference to the conclusion of this event, it is only a matter of simple arithmetic to evaluate the enormous significance ascribed to this institution within the community. For more than 70 per cent of the families interviewed the engagement seems in fact to have replaced the wedding ceremony as the institutionalised background for entering family living. It should be noted that these 70 per cent refer to those who actually moved together, entered common lodgings in one way or another, before the wedding, but the figure would definitely be higher if the question was strictly about premarital sexual relations. I could not make any valid guess as to how greatly the thirty per cent figure would be reduced in this respect but there certainly were a number of cases where cohabitation had not preceded the marriage in which this "orthodox" arrangement seemed to have been more a matter of coincidence than of strong beliefs.

As is to be expected there were considerable variations of external circumstances which prevent me from making a too much one-sided picture of the engagement-family, but there are some distinctive common features which will occupy the chief attention, the first of which relates to the period of courtship.

1. Courtship. The ring-engagement is preceded by a period of courtship. Those of my respondents who are now middle-aged were agreed that the pattern of this period had changed considerably since they were young. It had been much more secretive in those days, they said, and people were not so young as they are today. If you took a girl to her home after a dance, for instance, you might expect to become the talk of the town. Now on the other

hand the youngsters walk freely together in the streets and no one pays any attention. This is not altogether true, however, as far as the situation today is concerned. There comes a stage in the period of courtship when the boy and girl in question become the objects of very careful attention. This is the stage when the rumour gets around that these two really seem to be in for something "serious". From this moment on their relationship takes on a new significance characterised by widespread guesswork as to the likelihood of this being the "real thing". It is not considered to be uncommon that the couple enter upon sexual relations when going through this stage of "serious" courtship and the awareness of this possibility gives rise to added concern and anxiety on behalf of the parents, the girl's parents in particular. The question uppermost in the minds of those particularly concerned for the welfare of the couple is not, however, whether they are going to get married and if so, when, but whether they will become engaged, when are they going to "put on the rings". Once this has taken place the tension is eased, everything is settled, neighbours and friends no longer take any interest in the affair, it is a closed case as far as the local gossip is concerned. This complete change in attitude and sudden loss of interest of the wider community in the relationship of these two young people is a significant pointer to the status ascribed to the institution into which they have now entered.

The fundamental importance of "the rings" was brought out in a great number of interviews and accordingly from many different standpoints. The thirty two year old wife of a fisherman said she had got engaged at the age of fifteen and four years later they were married, during most of which time they had been living together. To my question whether she had been aware



of any disapproval of this arrangement of theirs she gave a negative answer, somewhat surprised by my question (this element of surprise was a frequent reaction to questions of this nature), but then she added, "... but you see, the rings were already there ...". A worker in the Cement Factory who put off his marriage for ten years described himself as liberally minded, but he said he would certainly disapprove of any of his children having sexual relations "if there were no rings", but if they were engaged, he would not mind one way or the other. The young wife of a skilled craftsman answered when asked if she thought her parents would have disapproved of their pre-marital cohabitation, which never was, that they would not have interfered at all, "not after the engagement". Her parents live in the Capital. Finally the following illustration given by a thirty year old mechanic offers, admittedly somewhat bluntly, a sharp insight into the sudden change of attitudes once the transition from secretive courting to public engagement has taken place. "People get quite upset", he began, "if a boy is sleeping with a girl and everything is uncertain as yet about their future relationship, but this attitude is completely reversed once the rings have been put on. Just before they get engaged you might see the boy creeping out of her house at four o'clock in the morning, but as soon as the engagement is made public he will leave the house at ten in the morning just as if he had been living there all his life". The implication being, of course, that her parents will not mind any longer nor will the neighbours have anything to gossip about.

2. The Public Engagement. The decisive step, then, is taken by making the engagement publicly known. This is done, as has been anticipated, primarily by the putting on of golden rings by both partners. The rings look exactly

the same for the boy and the girl and they serve as wedding rings as well, there being no ring ceremony at the wedding. The occasion may be celebrated by a family gathering or it may not and there is no formal pattern which determines the proceedings. Quite frequently a close relative, a brother perhaps, will put in an announcement in one of the national daily papers, and the local bi-weeklies keep record of all engagements as well as marriages in the town.

3. The Engagement Family. There are at least two points in common with all the families that I have chosen to designate as "engagement-families" - that they were formed on the basis of the public engagement and that they were eventually terminated by the constitution of marriage, but leaving these common points behind there is ample room for variations caused by the multitude of different external circumstances. Still, there is a possibility to make some broad distinctions, and these primarily on the basis of the degree to which the families were seen to be marriage-orientated from the very beginning. This orientation was markedly stronger felt within the younger group of families, a feeling which was borne out by the fact that the length of the period of engagement was on average considerably longer within the older group. In fact 50 per cent of the younger families (husband's age 34 or under) had been engagement families less than three years whereas only 27 per cent of the older families had been so for the same length of time. This difference in orientation and duration is accompanied further by a difference in the degree of dependence upon the parental families of the spouses, their families of orientation. Where there is an extended period of engagement, up to ten years and even more, the families in question have as a rule gained full economic independence, and here what is meant is



primarily in terms of housing but also in household economy. A family going through a relatively short period of engagement is on the other hand, as we shall presently see, often characterized by substantial dependence upon the parental homes, and the termination of this period of engagement is apparently often seen as due when the opportunity for an independent home-making is visualized. Finally, further distinctions can be made on the basis of the degree of secrecy surrounding the wedding as it eventually takes place, and on the basis of the presence or absence of dissatisfaction and concern on behalf of the female partner of the union and her close relatives.

There are, then, two distinctive types of engagement-families which as ideal types at any rate are successive in order of time. The present day type is in accordance with the nature of the case represented by the young group of families and this type may be seen as being in the process of replacing the other type characteristic of the older group. This development, as will be appreciated, is numerically expressed in the decline of illegitimate births taking place in cohabitation on one hand, and in the recent and impressive development of the practice of "marriage at child's baptism" on the other.

I shall begin by discussing the engagement-family as it is today:-

(a) The use of one or two actual examples will be helpful in order to convey some of the chief characteristics of the present day engagement-family.

1. In the course of the discussion with the wife of a skilled craftsman<sup>1</sup>, she had made occasional reference to their son-in-law and my impression was that he together with his wife and one child were living in this house as well. I later asked if the young couple were occupying the flat in the basement, to which she answered - and from now on I quote

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1 This couple, incidentally, had not cohabited before their marriage.

the exact words of my record of the interview - "No", she said, but their son-in-law is to have it as soon as it becomes vacant, - but then she added - "they are not quite married as a matter of fact" I made further queries. They have been publicly engaged for one year and have one child. "We took him into our home as he entered the ... college last autumn ... I don't think he would have liked to have got married before he was twenty ... this is such a young age ... he is twenty now ... and after all there was no reason for them to hurry as the flat was not ready ..., but now after the baby has come they think it is nicer to have it baptised at the same time" (i.e. at the wedding). I ask if it is because of the question of illegitimacy that they have decided to combine the wedding and the baptism. She does not seem to understand my question and says: "Well, this is customary, is it not ... this is how things are in most families, that's for sure". She takes care of the baby while the young mother works as a shop assistant full day.

2. Another example, again taken directly from my interviewing records: They (my respondents) have two daughters, both married. Both were living with their families before marriage. One stayed with her fiancee at her parents home for two years while they were building their own flat. They had one child. It was decided that they should get married when the child was baptised, - "then he is legitimate, is he not" - the husband interrupted. The other daughter stayed at her parents-in-law and they had three children before they got married. He was too young, "and it was meant that he should get a permission (i.e. to marry under legal age), but somehow it never came to that".



5. A third and final example, a young fisherman and his wife: They were engaged just over one year. Shortly after the engagement they got a flat (rented) and entered cohabitation. Their first child was baptized at the wedding. She thinks it is most 'unfair' that their child should ever have come on record as illegitimate and later asked "Is the child really registered as illegitimate when it is baptized at the wedding?" Her two sisters lived with their fiances before marriage. One was from B..... (a distant village) and he moved into her parents home right after the engagement. The other had parents living in Akranes. This couple got a separate flat and entered cohabitation shortly after the engagement. She looked surprised when I asked if she ever noticed any signs of disapproval on behalf of her parents. She never did.

The first thing to be noted from these examples is the fact that cohabitation follows at, or very soon after, the constitution of engagement. This is the natural course to take once you are engaged. This was plainly brought out in the great majority of the interviews but it should be said, however, that occasional parents said they would have preferred if the young couple had waited for the marriage, making the additional comment about how very young they had been etc.<sup>1</sup> The attitude of parents was generally that of acceptance, and as the examples clearly demonstrate this parental acceptance, followed by their very substantial assistance, economic and otherwise, is one of the chief bases for the constitution of the engagement-family. As far as the young couples themselves were concerned cohabitation after engagement was taken for granted. Thus a young wife who came from a neighbouring village said she had moved to his parents home to share one room with

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1 It should be remembered that the views of those in the sample who strongly disapproved of the whole pattern of the engagement-family are not being considered until later.

her fiance very shortly after their engagement. "Why, it would have been thought simply ridiculous if we had continued to live apart in two separate villages after we were engaged". The case of a local couple who got engaged but did not enter common lodgings nor conceive a child until after the marriage was mentioned by more than one of my young respondents and thought to be most extraordinary. It is readily discernable that the burden of being a non-conformist among the peer group weighs in this respect on the couple which decides not to follow the pattern of the engagement-family. Summing up this point on entering cohabitation we are reminded of the way in which the wife in the first example referred to her daughter's fiance simply as the "son-in-law". As they are engaged the young couple is perfectly in a position to act as man and wife just as if they were married.

Secondly, the engagement-family raises the question of housing. Co-habitation means entering common lodgings and these can be difficult to come by as well as costly, especially if you are still very young and may not have finished your education or apprenticeship. At this point the parental family enters the discussion again. By far the most frequent arrangement was that indicated by all the examples, viz. the practice of one of the partners moving into the parental home of the other. In this way a much cheaper accommodation is secured than otherwise is possible, but it is understood from both sides that this is indeed only a temporary arrangement. There are variations of course from this general pattern as in the third example above where the couple rented a separate flat soon after the engagement. If both partners have their parental homes in the town they may only share the room but have their meals separately, each one at his and her parents.

This arrangement of making use of the parental home should be seen in a



wider context. Although engaged and therefore in a position to enter a married way of life, the couple is not seen as being prepared to constitute their own home. The ideal of having a flat or a house of one's own is a prominent feature of the community's set of values as illustrated by Table 21 above on housing, and the standard of accommodation is fixed at a high and expensive level. Parents as well as the young couples realise that in order to achieve the ideal, set by themselves, we may add, as constituent parts of the community, great financial effort must be made. The conveniences of the parental home can make this effort a lot easier, not only by reducing greatly the cost of accommodation but in several other ways as well. Thus we saw from the first example above that the mother of the engaged girl took care of her baby while she had a full-time employment. This mother had actually given up her own part-time job in order to make this arrangement possible.

Thirdly, there is the question of age. "I don't think he would have liked to get married before he was twenty", the woman said about her "son-in-law". "He was too young and it was meant that he should get a permission (i.e. to marry under legal age) but somehow it never came to that", the husband said in the second example. The present day engagement-family is a very young family and young age was in fact one of the main reasons offered by this section of my respondents for the delayed marriage. It would be quite wrong, however, to jump to the conclusion that it is the high legal age limit which by itself sets the pattern of the engagement-family. The figures quoted earlier on the age of fathers of illegitimate first children speak definitely against common views to this effect. My impression was also that in cases where the fact of young age did apply this fact had not

so much been felt as a hindrance to marriage at the time of entering cohabitation, but rather that it now suggested itself as a perfectly valid justification for the constitution of an engagement-family. This impression has further support in the fact that only a fraction of these families took advantage of the possibility to get a permission to marry under age, nor does the marriage as a rule take place as soon as the legal age limit has been reached. It was a common additional note to the statement about young age that they did not take the trouble of getting a permission and apparently these people believed that it was somewhat of a "confusing official business". In fact, provided the persons concerned have parental consent the local magistrate will issue a marriage licence without any complications as soon as they have reached the age of one year below the legal limit. If the difference is more than one year some good reason must be presented for entering marriage, and the presence of a child, to take a relevant example, is a case in point. It will be understood that the belief that securing a permission was a most complicated affair gave added weight to the rationalization based on the fact of young age.

Fourthly, the engagement-family inevitably raises the question of the illegitimate child. It is, by common sociological definition, the presence of a child that justifies the use of the term family within my concept of engagement-family. The following Table shows the rate of illegitimate first births within the total sample.

Table 38.

Illegitimate first births

<u>First Births Total</u>	<u>Illegitimate</u>	<u>Percentage</u>
55*	35	64

\* Information missing about one child.



There is just over 7 per cent discrepancy between this rate of illegitimacy and the rate of combined premarital and continuous cohabitation, cf. Tables 36 and 37 supra. This discrepancy corresponds to the fact that five out of the forty non-marriage-families had turned marriage-families at the birth of the first child.

The Sociologist, Sidney H. Croog, writing on "Aspects of the Cultural Background of Premarital Pregnancies in Denmark"<sup>1</sup> makes the following comment after having described the custom of ring engagement in terms very much alike the Icelandic pattern. "Marriage in the event of conception is apparently a rule in ring engagement". Here it is that the similarity stops short followed by inevitable effects upon the illegitimacy rate in the two countries (Denmark 6.9 per cent in 1957 compared with Iceland's 24.9 per cent in the same year (still births included). According to the information supplied by the sample, marriage in the event of conception is apparently an exception in ring engagement. On the other hand engagement in the event of conception seems to be the rule and it is an interesting question, how far similar forces are at work opting for engagement in our situation which hurry the constitution of marriage within the Danish pattern. I have no numerical data on this question, but the sudden change of attitude and loss of interest which were noted when discussing the transitional period from courtship to the public engagement would seem to indicate the presence of similar hurrying forces.

Even though we raise the question of the illegitimate child within the engagement-family we do so at the risk of disfiguring somewhat the picture of the typical engagement-family. It is precisely one of the characteristics of this family type that the question of illegitimacy or legitimacy simply

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1 Social Forces, December, 1951, pp. 215 ff.

is not of any real importance at the time of the birth of the child. Apparently in a few cases I was the first person to raise the issue at all. This question, however, assumes importance when it comes to determining the date of the child's baptism. I have mentioned before the popularity in recent years of the practice of marriage at the same time as the first child is baptized. This practice has quite significant bearings upon the question of illegitimacy. Through a curious combination of truth and error the belief has become firmly established that if you marry first and have the child baptized after the wedding ceremony it will come down on the records as being born legitimate. The truth behind this belief is the legal fact that by the marriage of the parents of an illegitimate child the child becomes automatically legitimated. The error on the other hand is twofold: (1) Even though a child is legitimated by marriage nothing can change the fact that it was born illegitimate and remains registered as such on the birth records. (2) The act of baptism has nothing to do with the question of legitimacy or illegitimacy, there being no difference in this respect whether the marriage takes place before or after the baptism of the child. This curious form of "legal fiction" is most interesting from a sociological standpoint in that it provides a mechanism through which the unpleasant connotations of the term "illegitimacy" can be avoided within a non-marriage-family type. It is a mechanism which the engagement-family needs for it to function properly and appears to be the outgrowth of the existence of this family type, without any sure origin. As I said just now the belief in the truth of this legal fiction is firmly established. There was hardly an interview in which this belief was not reflected in one way or another, sometimes, it should be said, in negative terms, indicating that there are



a number of people that as yet know better. In order to give an idea of how the fiction functions in concrete terms I quote the following examples.

A young couple told me that they had got married one week after the baptism of their second child because they did not want to discriminate between the two by making the first illegitimate and the second legitimate. This, they said, would have happened if they had married first and had the second child baptized afterwards. - A labourer in the fishing industry: "We did not consider marriage as anything of significance until the child came ... We got married when it was baptized as we did not want to make him illegitimate ... we were both illegitimate ourselves and you were made to feel it in those days ..." A skilled craftsman: "Speaking about ourselves, we had the oldest boy baptized at our wedding, - the situation was salvaged in that way".

Many more cases were of similar nature. It is worth noticing that the concern for establishing the legitimacy of the child is basically in connection with what will come down on the records. It was the unanimous agreement of my respondents that the child will in no way suffer for the fact of its legal illegitimacy when it is born into an engagement-family. Socially it is just as legitimate as the child born in wedlock. The case of the labourer quoted just above points to a different attitude to illegitimacy some thirty years back, but his was a case of "de facto" illegitimacy which changes the picture considerably. The concern is centred on the question what is there going to be on his or her birth certificate, will "the books" say that his or her parents were simply N.N. and W.W. or that they were the married couple N.N. and W.W. This attitude was characterised in the remarks of a young woman who had been engaged for four years before she got married: "It sometimes happens", she said, "that some official or another makes a

comment like this, - 'well, they are born before the wedding and are accordingly born illegitimate' - this always hurts me as I don't really see them as having ever been illegitimate ... we made them a home as soon as we could".

People definitely dislike the sound of the term "illegitimate". They believe it does not apply to their situation at all. Once I was asked which institution it was that wanted to keep this term alive within the context of an engagement-family, the Law or perhaps the Church? It is of course easily understood that people are aware of the difference between a "de facto" illegitimacy and illegitimacy within the context of an engagement family and they find it absurd to use the same term to cover both types of circumstances, but as long as this remains the case the marriage-baptism mechanism comes handy to "salvage the situation". The popularity of this wedding arrangement is without doubt primarily due to its alleged purport upon the issue of illegitimacy; but some of my respondents did not seem to be much aware of this connection or said they never did mind one way or the other about the question of illegitimacy, but simply combined the two events for practical reasons or said it was customary to do it in this way. "The minister always does it like this," people said "so we decided to follow the crowd". This is a gross generalization but it does indicate the climate of matter-of-factness which already surrounds the custom. It is a climate in which the engagement-family flourishes, of course.

Before leaving the question of illegitimacy within the present context I include a short account of the altogether different issue of what I have chosen to name "de facto" illegitimacy. This account will be based on the whole sample.

In a number of interviews much concern was expressed about the reality



of illegitimacies of this nature. This concern, together with the change of tone and gestures of disapproval, immediately indicated that within this context illegitimacy was something to worry about - and to talk about. The rumour that four fifteen year old local girls, still in school, were pregnant and only one of them likely to become engaged to the putative father, was not received calmly by parents. In these cases, however, it was primarily the very young age of the girls as well as their number that aroused the feelings of my respondents. My general impression was that people tended to be somewhat philosophical about the issue of "de facto" illegitimacy, an attitude indicated by such phrases as "these things will happen as they have always done". The mother of a "fatherless" child is thought to be unfortunate and her position cannot be said to be stigmatized within the community. She should be given a second chance. One of my respondents, the mother of an "unwed mother" said "... of course you try to help your own children ... I am not saying it is not bad when these things happen, and it must not happen again ...". This mother, incidentally, much regretted the total lack of instruction about sexual matters in the schools.

If the attitude towards the "unwed mother" is that of relative acceptance, relative to age for instance, the attitude towards the 'fatherless' child is generally that of total acceptance. Those of my respondents who made the oldest section of the sample were agreed that much change had taken place in this respect, as in earlier days the child was frequently made to suffer because of its illegitimate status. We noted before how the "de facto" illegitimate father wanted to make sure that his own child was legitimate, making comments about his unpleasant childhood reminiscences. Today, my respondents affirmed, it is virtually unknown that a child is made to suffer

by its schoolmates, to take an example, and this was confirmed by a local teacher. I am here only presenting what people think is the case and this may of course not always be in accordance with all the relevant facts. It is not unlikely, however, that the contemporary legislation which gives the illegitimate child very much the same legal status as the legitimate child has contributed to the social equality of the status as well.

Fifthly and finally, the present day engagement family is terminated by the constitution of marriage. It is a still further sign of the general approval of this family type that increasingly it is sealed off by considerable pomp and publicity. As we shall see in the section on the marriage-family Church weddings have in recent years become very popular. It is clear that if people want to get married without arousing much public attention the privacy of the minister's home as the wedding place is much better suited to their purpose than is the local church. A church wedding means the presence of the Church Warden, members of the Church Choir, and it is of course generally attended by all who have been invited to the wedding. Now it is significant that apparently the present day engagement-family follows the general trend of preferring the more public occasion of the church wedding, the couple having no scruples in carrying their child to the altar to be baptized immediately after the wedding ceremony is over. One of these couples said they had been married in the Church on Boxing Day and if anything the presence of the child had increased the solemnity of the total ceremony. The fact that this couple said they never went to Church for an ordinary service indicates that the motives behind their intention to make the wedding-baptism a Church affair are not likely to have been religious. One of my respondents showed me a wedding picture of his brother and his bride. They



were married in a Church in Reykjavik where the bride used to live. She was wearing an elaborate white wedding dress and carrying their child who had on a white baptismal gown. My respondent said that he had heard there had been some people who apparently were a bit shocked by the display at this wedding, the white dress etc. I became aware of this myself during the course of the interviews that to some the white wedding dress - the symbol of innocence - was definitely not thought to be fitting within the wedding-baptism context.

But what is it then, we may now ask, that starts off the eventual marriage? We have already noted some of the factors which were seen by my respondents as deciding against marriage prior to entering cohabitation and foremost among these were age and housing, followed by economic dependence upon the parental homes. If we now add to these factors the question of illegitimacy we also have assembled the most relevant points which decide in favour of the constitution of marriage. When the legal age limit has been reached, which more significantly can mean that the period of education or apprenticeship is over, and the question of housing has been solved, there is no reason left why the young couple should not make their own independent home. The presence of a child is likely to hurry the advent of this stage as under normal circumstances the living space of the parental home cannot easily accommodate two complete families. There may also be a younger brother or a sister whose turn it now is to bring in his or her fiancée! Furthermore, the child must be baptized - not to have one's children baptized is most unusual - and this occasion as we have seen frequently raises the question of illegitimacy at which point marriage is seen to be due. Within this context it is to be expected that the period of cohabitation does not

become prolonged as there are distinctive forces which operate in favour of its termination. During interviews with people who completely accepted the engagement-family pattern disapproval of its extended duration was often expressed.

This is of course a general picture of a complex situation. Not all the factors mentioned are necessarily involved in each individual case and there are other factors at work as well that I have not mentioned so far. In two cases, for instance, the marriage had been put off simply because the couple had not quite made up their minds if they wanted to make their union a life-long one. "It is a lot easier to give away the rings than to go through all the official business of divorce". Marriage, as far as these couples were concerned, is much more final than the engagement, more binding. This is not a common view within the context of the engagement-family, as the element of finality as regards the relationship of the spouses is one of its characteristic traits, a prominent element of its "Raison d'être" within the community. The fiance of my daughter is my "son-in-law".

Marriage in the present day engagement-family, to summarise this section, is primarily linked with the constitution of an economically independent and self-sufficient household.

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(b) In the same way as I introduced the discussion on the present day engagement-family by quoting some actual examples the following examples are meant to set off the short account on the other type of engagement-families, more typical of the older group of families.

The first couple, now in their early forties, became publicly engaged when she was 18 and he 20. I asked if they had been engaged for a long time.



"Yes, we certainly were", he says, (both of them smiling), "for over ten years". By then they had two children. When I asked if there had been any particular reasons for the delayed marriage she answered by saying: "He found it more economical in this way ... in terms of the taxes", to which he adds, "yes, I suppose that was it. Personally," he continues, "I did not mind the least whether we were married or not", but the expression on her face indicates that she does not agree and she affirms that she would have preferred to have been married much sooner than they did. I asked if they had ever become aware of the fact that they were not married - in terms of gossip etc., to which question he is quick to answer "No, never", but she again is more reluctant and says she could not help it, she "never liked to have to say that they were in fact not married, and I did not like either that the children were reckoned as being illegitimate". They were married at the minister's home on New Year's Eve, "nobody knew anything about it". Did you think it was a big step you were taking by getting married, I asked. "If it was a step it was only a hen's step", he answered. She seemed to agree.

In the second example the couple had also lived in cohabitation approximately for ten years. When I asked about reasons for the delayed marriage she says, "I don't know, really" but then adds as if she had to produce some good reason - "perhaps it was the taxes". I then ask if she had been in such employment outside the home during this period (the question of taxation was first relevant if the woman had considerable private earnings), but she says it never amounted to anything much. "Somehow we did not make the effort to get married but then eventually we made it". Did she ever feel from the outside that she was not married, I asked. "Not from the neighbours, they would not have known it anyway, - but those who knew us well, yes, they mentioned it now and then".

If we compare these examples with the earlier ones of the present day engagement-family it becomes quite clear that these are two different types. First of all, whereas the former type has its existence within the close context of economic dependence upon the parental families, this latter type, although it may have started within this context, has achieved the full status of the economically independent household. The question of age does not arise and the convenience of the wedding-baptism complex has been passed over.

In the former example above it was the taxation issue that decided against marriage. That this was a real issue before the new legislation from 1958 is clear from the comparison made earlier in this chapter. Taxation was the most common reason stated for prolonged cohabitation within this group of engagement-families; but after the legislation had reversed the financial position in favour of marriage it was again the taxation issue which sometimes proved decisive, but now in prompting the wedding, cf. the following case: They were engaged for eight years. "It was because of the tax. She had a job and then it was better not to be married ... but then one day I found out that it had become more expensive that she was only my fiancée. I had a row with the taxation authorities and they told me I was losing 6,000 kr. (£50) by not being married ..." So he married.

The question of taxation is, however, by no means the only relevant factor in the constitution and the termination of this family type. The second example above, even though also raising the question of tax, prevents one from making a too sweeping generalization on these points. People, when asked, look for reasons to justify their behaviour, especially if they have a notion that this behaviour will be considered to be somewhat out of the



ordinary by those asking. The wife in the second example first said she did not really know why the marriage had been put off for such a long time and this answer is much more in line with the rest of her comments on the question than is the taxation issue. For one thing they got married only two years ago, five years after the important change in the taxation legislation. It may not seem much of a reason to say that somehow they did not make the effort to get married, but my impression was after listening to a number of similar difficulties in producing an "acceptable" reason that the simple lack of effort, and courage perhaps, was a very genuine reason indeed. The truth of the matter seems to be that once you have been living as man and wife for years, with a number of children, and in no way distinguishable from the married couple who live in the flat on the next floor - and this couple has no idea about your peculiar relationship - it needs quite a bit of effort and courage suddenly one day to get ready for the wedding. It seems so easy in these circumstances to put it off just once more. If an attempt is made to analyse the situation somewhat further one might start by saying that the couple is in fact caught in a rather awkward position. After some undefined time has passed since they entered cohabitation in an independent household they have reached the stage when they "pass" altogether unnoticed as a married couple as far as the wider community is concerned. When they do marry after this stage has been reached they know they are taking the risk of widespread attention by suddenly revealing that they never had been married all this time. They know from experience of similar cases in the town that they are in for a hard time if they make the venture, not so much in terms of social disapproval, but rather in the shape of a joke here and a knowing look there. The wedding in these circumstances is kept

as secret as possible, - "nobody knew anything about it" - the husband in the first example said. I was frequently told about the case of a couple who had cohabited for years and years and finally got married in Reykjavik to secure complete secrecy, but due to a singularly unfortunate misunderstanding the minister in question put an announcement about their marriage in one of the national daily papers. This instance immediately became a local joke. In view of these external reactions it is perhaps more to the point to say that the couple must suddenly one day get prepared for the local gossip rather than for the wedding.

This, then, is one side of the awkward position in which the couple is caught, the external side, but there is also the internal side and this side operates towards the making of the marriage. - A short digression into the legal position of the woman living in cohabitation is necessary at this point. The legislation on marriage does not of course apply to cohabitation. There is accordingly no question of equal division of property, secured by the law, in case of the termination of the relationship, and as property is normally under the name of the man the position of the woman can become most precarious. The law may in cases of this nature oblige the man to pay the woman an amount corresponding to what would have been her due as a house-keeper. Furthermore, in terms of inheritance the woman has no claim on the property of her deceased companion. Seen as a whole the strictly legal position of a woman in cohabitation can only be described as being most insecure and much inferior to the position of her married sister. - It is difficult to assess to what extent these legal facts are generally known to people, but they were often brought in by my respondents and cases of great injustice in this field, not necessarily in this community, help to keep the issue alive.



We can safely assume that the knowledge of these facts is to some extent at least responsible for the finding that it was primarily the wives who indicated their disapproval of their previous unwed relationship. This assumption is further strengthened through the significant fact that only the wives admitted that they had felt some pressure from "those I know well" to take the decisive step and get married. Brothers and sisters as well as parents, if alive, keep on raising the matter. This internal pressure may further be maintained by occasional inescapable situations in which the truth about the relationship must be openly admitted to a third party. Such occasions arise in dealings with social insurance agencies, to take an example, but also in connection with the children, when they are baptized and when they are confirmed. The wife in the first example above said she "never liked to have to say that they were in fact not married ..."

Finally, pressure may be exerted by the children themselves when they grow up and come to realise the unusual relationship between their parents.

In winding up this discussion of the two types of the engagement-family I refer to what was said above their different positions within the community. The combined forces of financial disadvantage and community values which opt for relatively early marriage - the wedding-baptism pattern - together with internal pressure of different nature - these forces have turned the tide against the older type in favour of the present day pattern. This was numerically confirmed in the Tables on classification of illegitimate births. With regard to the question of the incidence of illegitimacy within the community this change is seen as having brought the illegitimacy rate down considerably, from 34.3 per cent for 1956-60 to 25.8 per cent in 1961-64 at the same time as the "de facto" rate rose from 8.9 per cent to 9.7 per cent.

Disapproval of the engagement-family. We have noted how the two types of the engagement family could be distinguished on the basis of the degree to which they were considered to represent the standard arrangement of these matters. Whereas the present day type flourishes in the apparent climate of normalcy surrounding it the older type owes much for its existence to the possibility to pass incognito within the community. In order to make this contrast clear I have, perhaps, risked being too absolute in my presentation as far as the present day engagement-family is concerned, allowing no space for dissenting views. This must now be rectified.

Mention has already been made of the fact that there were some among those who had themselves gone through the stage of being an engagement-family who now said they would prefer if their sons and/or daughters did not enter cohabitation prior to marriage. This attitude was often combined with the concern for the young age of engaged couples today and it is doubtful if it was in fact the engagement-family pattern as such that was disapproved of, but not simply the question of young age. Furthermore, my impression was sometimes that people wanted to make me believe that they disapproved of the present day pattern, being aware of my treble role as an interviewer, minister, and an outsider.

But there were instances of outspoken disapproval, of. the following example - The couple, middle-aged, had moved to the town in the early fifties. He has a managerial occupation. They did not enter cohabitation before the marriage. "We were rather old-fashioned in this matter", he remarks. She had been out in the kitchen but as she enters and hears we are discussing the question of engagement she interrupts by saying: "It may be that I am old fashioned (the proper contemporary English translation is



perhaps 'I may be a square ...') but I always remember how astonished I was when I first came here and gradually realized that it was considered as a matter of fact that engaged couples enter common lodgings ... This would never have been possible in my home and I would most certainly never agree to my own children behaving in this way".

We note here the fact that this couple feel themselves to be "old-fashioned" within the context of the engagement-marriage complex typical of this community, and we note at the same time that both are outsiders who have moved in. The only other similarly outspoken instance of disapproval was also found in a professional family which had moved in from another community. Both these families came from much larger communities than Akranes, in which there is a much wider scope for the formation and continued existence of different value-groups. In Akranes the dissenters from the present day pattern of the engagement-family are apparently too few to be in a position to exert such influence upon the climate of values which surrounds the issue in the way I have described at some length. The fact that both these strongly dissenting families belong to the managerial and professional occupations should not be overemphasized as plainly there are frequent instances of engagement-families within the context of families in these occupations. This I was able to check by going through the Parish Register. In one recent year, for instance, there was a wedding-baptism in two of the most prominent professional families in the community, both of these weddings performed in Church.

It may very well be the strength of the present day type of the engagement-family that it cuts across all occupational (class?) boundaries whereas the older type, that of prolonged cohabitation, showed very definite trends towards the unskilled and semi-skilled occupations.

### B. The Cohabitation Family

In the original total sample of 68 families there were 5 which were classified in the records of the Registrar General as cohabitating, or 7.4 per cent. One of these families had left the town but it was replaced so as to maintain the original number. All of them were willing to co-operate, one after some initial hesitation, of. later on. In terms of age composition four of the families belonged to the older group of families (husband's age 35 and over) and one only to the younger group - According to the Census in 1950 4.4 per cent of the total male population of Akranes and 4.5 per cent of the total female population lived in cohabitation at that time, but according to the records of the Registrar-General on December 1st, 1964, the comparable figures were 2.1 per cent of both the total male and female population. These are minimal figures as they do not take into account instances of cohabitation where there is no child, or no child at home; but, however limited these figures are, they show again the definite decline I have discussed earlier in the incidence of prolonged cohabitation. - All five families belonged to the manual occupations, four to unskilled manual and one to the semi-skilled.

After this short introduction in terms of numerical data I turn to the discussion of the sampled cohabitation families. It is inevitable that some overlapping will take place between this discussion and the previous one on the older type of the engagement-family, as here we find many of the same factors involved which were seen as characteristic of the prolonged engagement-family. This fact of overlapping is quite significant in itself as it confirms the importance of the points which were brought out as constitutive to the extended period of cohabitation within the earlier family type. As



we shall see these same points will recur, only now in more absolute terms which in turn may help to explain why the cohabitation period has as yet not been terminated by the constitution of marriage as in the families discussed earlier.

The first of these common points concerns the question of secrecy and the closely related point about the possibility of the families in question to pass incognito within the community. This we saw was an important point as it also threw light upon the nature of community attitudes to the issue. The value attached to secrecy increases in terms of lesser approvability given by the community to what is being kept secret.

In two of the five interviews I had with cohabitation families the nature of the relationship between the partners was kept secret from me. In one case, that of an elderly couple whose grandson was present during the whole of the interview, almost too obvious an effort was made to evade the question of marriage. In referring to the beginnings of their relationship an ambiguous phrase was used - "we came together in the year ..." and when I asked if they had been publicly engaged for a long time, the husband gave a hurried answer "yes, for a long time", but then changed the subject altogether. Later in the interview when I turned back to the question of marriage in general, he made some excuse and left the room for a while. I was aware of the fact that they might be anxious not to reveal the true nature of their relationship to their grandson and accordingly I did not make any further efforts to bring the issue out into the open; but whether the truth was being held back because of the presence of the grandson or because of my presence, or both, the incident was highly significant as a pointer to the importance attached to secrecy under circumstances of this kind. The records of

the Registrar General classified the couple as not married but when I asked the minister whether he thought they were married he felt sure they were. So did others among my informants who knew the couple well. In order to obtain a final confirmation I went to the local Magistrate's Office where I was first told by one employee that they were married but then another interrupted by saying: "The truth is that they have always been taken to be a married couple, but I understand the Registrar found it fit to 'put them asunder' last year". This bit of information is brought in to show the almost total success of this family to pass incognito as a cohabitation family within the community. There were numerous instances of a similar nature brought to my attention during the course of the total interviews, indicating for instance that the teacher who has had several children from a family in his class during the years becomes just as astonished as anybody else when one day the news of the recent wedding of the parents reaches his ears.

At this point a digression must be made into the Icelandic practice of nomenclature as this peculiar practice may very well be a most significant factor in this matter of unnoticeability of the cohabitation family. At marriage the bride does not take up her husband's surname but retains her own, which by the way is not a family name, but simply states that this woman is the daughter of so and so. To take an example: The woman is named Asa Jonsdottir (the second name meaning literally 'the daughter of Jon', 'Jon' being the Christian name of her father). When this woman gets married to Jon Arason she does not become Mrs. Arason, but Mrs. Asa Jonsdottir! There is accordingly no way of detecting from the names, i.e. surnames, whether these two persons are married or not. We noticed earlier that one woman said she had very much disliked the idea of having to tell that they



were not married. These occasions must be greatly reduced in number by this particular system of naming. It would certainly be a strain for people in circumstances of this nature always to have to tell a lie about their surname if they wanted to keep the true nature of their relationship secret.

In the other case where the fact of cohabitation was held back by my respondents this was done simply by deliberately feeding me with false information. This was the case in which there were some initial doubts as to whether co-operation could be secured or not. The 'wife' was not at home so I only interviewed the "husband". Once he had agreed - the reasons he gave for his doubts were chiefly concerning the ordinary and therefore uninteresting character of his family - the interview went quite smoothly. He said they had been engaged for about a year and had by now been married for ... years. Later in the interview he said he had quite recently looked into the question of the legal position of women living in cohabitation and had found that it was much inferior to that of a married woman. He also revealed that he had recently checked the financial aspects of the two family systems and had found again that marriage was more economical. - These inquiries of his would seem to indicate that the question of marriage is a live issue within the family, which is but one side of the coin, as it were, the other being the deliberate altering of the truth in order to conceal the intransmissible fact of cohabitation. I later checked with the local Magistrate about this couple and it was confirmed beyond any doubt that they were in fact not married.

In the three remaining cases the fact of cohabitation was freely brought out by my respondents themselves.

Before leaving the question of secrecy within the context of the cohabita-

tion family this final illustration is informative. Ministers have told me that it sometimes happens that they are asked to conceal the fact of cohabitation in funeral sermons, which in Iceland are biographical. In one instance, I was told about, the widow had got married to her deceased husband some two years before his death but before the wedding they had cohabited for many years. The widow asked the minister not to mention any dates as to the marriage and great care was taken that he would in no other way give away the secret of their earlier relationship. This was not in Akranes.

Another point in common with the older type of the engagement-family concerns the element of disapproval on behalf of the female partner. This point was borne out directly in four of the five families and perhaps indirectly in the fifth if we interpret the inquiries of the 'husband' above as reflecting pressure from his 'wife' with regard to her 'inferior position'. In the former concealed case the woman spoke most outspokenly against the practice of cohabitation, whereas the man remained silent. He on the other hand raised the point that illegitimate children have now-a-days practically the same legal status as those born in wedlock. Theirs seems to be a case where the final effort just was not made. Another elderly woman said she "used to hate the sight of it on records" (i.e. that they were not married), but eventually she had got used to it. To my question about her "Husband's" attitude she replied shortly: "If he had cared for it I should say we would have got married". The youngest woman in the group showed concern for their children. One of the women said she had thought about the precariousness of her position but this did not bother her so much as the fact that all her children (5) were illegitimate. The element of



disapproval appeared in other forms as well. The only woman belonging to the young group of families (34 and under) said her father kept on asking her when they were going to get married. The elderly mother of eight children said her oldest daughter could never accept the fact, "she became so very much upset", - "the others did not mind ..." One of my married respondents whose parents have never got married said he had not known about it until late, but he did not care one way or the other. His wife then interrupted by saying: "But your sister X. she does care ... she always says 'It is all in dad's name and if he dies mother gets nothing'" She then adds quite significantly with regard to the value attached to secrecy: "It only hurts me when I see it in the Municipal Tax Records because then I know that so many will know it, yes, everybody in fact". Yet another married woman respondent told me she was always reminding her sister who has not married of the risk she is taking by cohabiting, but she thinks it is too late to get married now as she is over forty.

This account of the element of disapproval seems to leave the impression that the male partner is always to blame for the unorthodox nature of the relationship. This is not true, however, and in two of the sampled families the women themselves indicated that they were just as much to 'blame', if that is the right word, as their partners. One of them affirmed she preferred this arrangement for the time being, admitting at the same time that she was not at all too pleased with it.

If we finally ask for reasons which have contributed to the continuation of the cohabitation family and operate against its termination through marriage, the same points occur as in the previous discussion about the older type of the engagement-family. Thus the taxation issue was in one case openly

confessed as the only reason for the choice of this family type. This was the young family in the group and the woman gave her reasons in these terms: "I have always been working full-time and it would have been a loss to get married because of the taxes". Later on she confirmed this statement by saying that they would get married as soon as she could give up her employment. This couple had recently moved into a new and very modern flat which they had bought and the question of finance was clearly of no minor importance, explaining her full-time employment for one thing which in turn gave rise to the question of taxation.

The financial question may have been of importance in one of the older families but in the remaining three there was no sign of it. Instead it was easy to detect the signs we noted earlier to the effect that somehow the wedding had been put off and the extra effort had not been made to go through with it. In two of these families, the most elderly, it seems most unlikely that there will ever be a wedding, whereas in the third the question is still kept alive, "... we talk about it now and then, but, you know, it somehow never comes to any action ..."

It should be pointed out that the taxation issue is a relatively recent development as far as marital finance is concerned and the practice of prolonged and often life-long cohabitation was firmly established before this development assumed importance. One of the elderly women in the group of cohabitation families said there had been no grounds for people to criticise their particular relationship in the days when they settled down in Akranes some forty years ago as then the practice of cohabitation had been widespread in the village. Her information has strong support in the illegitimacy rate for Akranes during the years 1916-20 when it was on average 23.5 per cent.



Before I leave the question of cohabitation altogether a mention should be made of the fact that civil marriages are extremely rare in the town. The relevant figures are shown in Table 40, cf. the following section. It is well possible, even though I did not meet this argument among the sampled cohabitation families, that cohabitation in some cases is linked with sentiments which wish to disassociate themselves from all and everything that concerns the Church. For these families there is the possibility of a civil marriage but there is one very real drawback to this solution as far as a cohabitation family is concerned. The fact is that by going to the local Magistrate's Office a person is giving almost as much publicity to his wedding as he could possibly get, and this, as has been brought out many times, is the one thing that those cohabiting do not want to do. One of my respondents told me about the case of two sisters who both had cohabited for a number of years and were known to be against any relationship with the Church. When they eventually got married to their companions they went to a Magistrate's Office in another town, apparently in the hope of escaping the public eye in their own town. In view of this information and others of a similar nature we can expect that there are some cohabitation families which remain so because of similar reluctance to make use of the local Magistrate's Office but lack the initiative it takes to have the ceremony performed in another community.

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### C. The Marriage Family

I set out in this Chapter to discuss the incidence of illegitimacy and the types of family organization within the community chosen for study. This being so I have now in fact left behind the main subject as soon as the legally circumscribed area of the marriage-family has been entered. It is of course this family type that was at the centre of our attention during the whole of that earlier discussion which was introduced under the title of "Points of general interest about the family". There an attempt was made to offer a glimpse of this family in its various aspects of daily routine, at work, with relatives and friends, at meetings, enjoying summer holidays, in Church, etc. I am well aware of the limited success I had in handling and in presenting these points but still more I regret not to have had the opportunity to dig into further relevant issues concerning marriage and the family within the community. The fisherman's family, to take an example, dominated as it is by the seasonal rhythm of work, is of much interest, but somewhere the line of demarcation had to be drawn, and drawn quickly, and I chose to draw it in the way that the preceding discussion has borne out, around the relationship between the incidence of illegitimacy and the existing non-marriage family systems within this particular community. The following discussion is accordingly bound to suffer for the fact that it is in a real sense based on shadowy information, the spotlight having been elsewhere most of the time. All the same, the inclusion of some reliable and relevant numerical data would seem to justify the presentation of the following material.

The marriage-family, if by that term we mean the family which has the married couple at its centre, is of course the predominant type of family



organization in Akranes as it is throughout the whole of Iceland. This predominance of the marriage family is borne out by the marriage rate which for Iceland as a whole has been just as high as that of most other European countries. The following Tables make some comparison possible.

Table 39. Average annual marriages in certain European countries.\*\*

<u>Country</u>	<u>Marriages per 1,000 1950-52</u>	<u>Country</u>	<u>Marriages per 1,000 1950-52</u>
Denmark	8.5	Norway	8.3
England & Wales	8.1	Scotland	8.0
Finland	8.1	Sweden	7.6
Germany	10.1	Switzerland	7.9
Iceland	8.3 (1)		

(1) 1951-55.

\*\* Source: Encyclopaedia Britannica, 1964.

Table 40.

Average Annual Marriages in Akranes  
1941-60 per 1,000 population.

<u>Year</u>	<u>Akranes</u>	<u>Iceland</u>
1941-45	6.4	8.2
1946-50	11.4	8.2
1951-55	7.5	8.3
1956-60	8.7	7.9

The five year average for Akranes during this period of twenty years has been 8.5, and this relatively high marriage rate brings home the fact that the engagement-family pattern does not present much of a challenge to the institution of marriage as such.

All but five out of the original total of sixty eight sampled families were marriage-families in the sense described above, but this does not alter the fact, however, that only sixteen of the total of fifty one sampled and

interviewed marriage-families had started as families of this type, the remaining thirty five having gone first through the short or long term stage of the engagement-family.

The following Table shows these two groups of families in terms of occupational composition.

Table 41. Total interviewed families by occupational distribution and by incidence of premarital cohabitation.

Occupation	Total	No premarital cohabitation	Premarital Cohabitation	Premarital cohabitation per cent
Unskilled manual	20	2	18	90
Semi-skilled "	6	1	5	83
Skilled "	18	8	10	55
Non-manual routine	4	2	2	50
Professional and managerial	8	3	5	62
	56	16	40	

If we compare these data with the Tables that showed the occupational status of fathers of illegitimate children born in cohabitation, cf. Table 28 above, we note the same concentration of premarital cohabitation within the unskilled and semi-skilled manual occupations. The high percentage of premarital cohabitation among the professional and managerial occupations is on the other hand contrary to the figures which these earlier Tables indicated. This discrepancy may, however, be due to the fact that in the present Table all cases of premarital cohabitation come under one rubric whereas in the earlier Table these cases were broken down into three categories, "Cohabitation", "Parents were publicly engaged", and "Parents were married at the child's baptism". Only one of the five professional or managerial



families in which there had been temporary cohabitation would have been classified under "Cohabitation", the other four occupying the remaining two non-marriage categories. In view of these distinctions the discrepancy may not be significant, but the fact that the percentage of premarital cohabitation within the non-manual occupations is as high as the sample indicates gives support to what was said earlier about the present day engagement-family, namely that it cuts across occupational boundaries.

With regard to the wedding ceremony itself there are two outstanding features in the present day pattern which catch one's attention. One feature which already has been mentioned in an earlier context is the virtual non-existence of civil marriages within this community. The other significant feature is the very definitely increased popularity of Church weddings. In the following Table both these features stand out.

Table 42.

Weddings in Akron 1941-60  
by type of wedding and by wedding place.\*

Year	Ecclesiastical Marriage			Civil Marriage		Total
	At Church	At the Minister's Home	At Home	At Home	At the Notary's Office	
1941-45	-	57	3	-	2	62
1946-50	4	99	19	-	2	124
1951-55	9	96	7	-	2	114
1956-60	23	118	6	-	1	148

Year	Church Marriages Percentage	National Percentage of Church Marriages	Natl. Per. of Civil Marriages
1941-45	-	8.4	14.7
1946-50	3.2	13.3	8.7
1951-55	7.9	19.4	6.0
1956-60	15.5	27.5	6.9

\* Official sources.

Considering the fact that church marriages were altogether non-existent for a period of five years during 1941-45 the recent increase must be seen as quite remarkable. This increase follows a national trend and we notice that Akranes was by 1960 still considerably behind the national average. There does not seem to be any correlation, in the sense one might perhaps have expected, between this trend and the incidence of illegitimacy, as the illegitimacy rate in Akranes has never been as high as during 1956-60 in which period the percentage of church marriages was also at its highest, but we have seen also how smoothly the present day engagement-family pattern has adapted itself to this new trend, the double ceremony of wedding-baptism being considered to give further reason for the choice of the more ceremonial church wedding. We have assumed on the other hand that the older type, where there has been an extended engagement period, has avoided the publicity of the Church wedding and seems likely to do so as long as the present situation remains unchanged.

The rise in Church marriages has not influenced the rate of Church attendance in any visible degree and should not be taken as a sign of increased religiosity. If anything a Church marriage on a Saturday afternoon - which is the most popular day and time for a wedding - means that those present in the Church have a perfect excuse for not going to the regular service the day after. They have been to Church.

Age at marriage. We remember that the question of young age was often brought in as a justification for a delayed marriage when my respondents felt the need to produce an excuse of some kind, but as the following Table shows there does not seem to be much rush to get married as soon as the legal age limit has been reached.



Table 43. Average age of brides and bridegrooms in Akranes 1950-64.

<u>Year</u>	<u>Brides</u>	<u>Bridegrooms</u>	
1950-54	22.9 (4.9)**	25.4 (4.4)**	The whole of Iceland 1951-60
1955-59	22.4 (4.4)	25.4 (4.4)	Brides: 24.6 (6.6)
1960-64	23.5 (5.5)	26.3 (5.3)	Bridegrooms: 27.7 (6.7)

\* Figures in brackets show the difference between the average age and the legal age limit, 18 for women, 21 for men.

Attitudes to marriage. Our situation presents a somewhat contradictory element as far as attitudes to marriage are concerned. On one hand there is a distinctive community sentiment which upholds marriage and frowns upon, or perhaps ridicules, prolonged cohabitation, but on the other hand there is the no less frequent sentiment which looks upon the constitution of marriage as "a mere formality". It is a measure of conformity to community standards to be married, but it is also becoming a measure of the same conformity to have passed through the stage of the engagement-family before entering marriage. It is of course intrinsic to the value complex surrounding the engagement-family of today that the constitution of marriage should be only a matter of "mere formality" as it is precisely the marriage-creating-significance of the public engagement which lies at the centre of this complex.

As a formality marriage is seen in relation with the Church and this relation is made stronger if baptism takes place as well. The decisive act of engagement on the other hand, followed by cohabitation, is not seen in any relationship with the Church whatever. Marriage as a matter of formality is not seen as giving any increased importance to the relationship between the spouses. This relationship, ideally, is claimed to be a life-long relationship which is entered into by the constitution of public engagement.

This seems to be the general pattern within the context of the engage-

ment-family but there were certain significant exceptions which increase in importance through the fact that they reveal attitudes which are not likely to be freely brought out in an interview. I am here referring to cases in which it was admitted that the arrangement of the engagement-family had been chosen in view of the possibility that the relationship might not last. In this sense the engagement-family was indeed a "trial marriage". Here it is revealed that marriage is seen as being more final than the engagement, that it has the element of life duration built into itself, as it were, but this attitude may also be expressed in less idealistic terms, e.g. that "it is easier to give away the rings than to go through legal divorce".

Divorce. There were four cases of re-marriages among my respondents, two after death of former spouse and two after divorce. The question of divorce was one of those issues which was largely left out in most of the interviews, but my impression was from such remarks as were offered that people favoured divorce in cases of high degree of incompatibility between the spouses. There is no official Church policy on remarriage of divorced persons within the National Church and it is most exceptional if individual ministers raise the issue in practice.

I was not able to secure any reliable information concerning the divorce rate in Akranes but the following Table shows the national rate for Iceland as compared with a few Western countries.

Table 44.

Divorce rate per thousand marriages  
in selected Western countries.

<u>1960</u>			
U.S.A.:	259.0 (1959)	Norway:	88.5 (1958)
Germany:	88.7	Denmark:	186.1
Switzerland:	111.9	Sweden:	174.6 (1959)
England & Wales:	69.5	Iceland:	100.0 (1956-60)



It is quite possible that the markedly higher divorce rates in Denmark and Sweden, where the grounds for divorce are the same as in Iceland, are to some extent due to the difference in attitude towards premarital pregnancy. The degree of rushed marriages in these two countries is much higher than it is in Iceland where the pattern of the engagement-family operates against pressure of this nature. Norway, even though sharing similar marital legislation with the other "Scandinavian" countries, is not strictly comparable for reasons that will be mentioned in my concluding remarks.

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### Conclusion

In this Chapter on Marriage and the Family in a present day Icelandic community the discussion has centred on the question of illegitimacy. This particular emphasis was explained in the introduction to the Chapter in terms of the exceptionally high illegitimacy rates for Iceland as compared with other European countries. Illegitimacy, however, was to be related to the wider social structure in accordance with accepted sociological theory, and this approach made it necessary to pay attention to various aspects of family life in general and to the different existent types of family organization in particular. Taking then as a starting point the question of illegitimacy the discussion has inevitably cast some light upon the institution of marriage and the family in the community being studied.

At the close of the study there is one institution in particular which has emerged as being a key factor for the understanding of our issue. This institution is the public engagement. We noticed how this institution had largely replaced marriage in its function of conferring the privilege of sexual relationship upon its incumbents and we noticed furthermore the extent to which community sentiments justified the constitution of a family on the basis of engagement alone. At the same time it was possible to discern changes that are in the process of transforming the older type of engagement-family, which was characterised through a prolonged period of engagement and a propensity towards a life-long cohabitation, into a family type which is strongly oriented towards marriage. This development is sustained by the "legal fiction" attached to the custom of marriage-baptism, but this custom in turn plays a decisive part in preventing the question of illegitimacy from making any impact within the context of the present day engagement-family.



"The community defines and confers legitimacy", a well-known family sociologist has written<sup>1</sup>, a statement which receives full support from our present study. The institution of marriage may confer legitimacy in terms of the law but it is the institution of public engagement which has community support in conferring the status of social legitimacy. We pointed out that the settlement of the illegitimacy issue in this peculiar way of "legal fiction" was essential to the successful functioning of this family system. We may now add that there appears to be a certain "fit" between the engagement-family in its present form and community values, in particular as these values are expressed in material terms, e.g. the ideal of privately owned accommodation. This ideal favours the engagement-family system in two ways. It justifies the delayed marriage as long as financial and/or occupational conditions (e.g. professional training) make the realization of the ideal impossible, and as the ideal has taken material form in increasingly more privately owned houses the necessary conditions have been established which enable parents to accommodate the engaged couple. - The "fit" between community values and the engagement-family is only slightly disturbed by the presence of moral sanctions and it is not possible to discern any significant interference from religious sanctions. On the contrary it seems true to say that the ecclesiastical marriage-baptism complex operates in favour of the engagement-family as it both vindicates the "legal fiction" attached to this complex and gives an air of normalcy to this marriage arrangement through the fact of repetition.

The present day engagement-family system depends largely upon parental support for its existence. This support is given without the notion that

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1 W.J. Goode, *Illegitimacy, Anomie, and Cultural Penetration*, in W.J. Goode (ed): *Readings on the Family and Society*, New Jersey, 1964, p. 47.

any risk of social degradation is thereby taken, a fact which reflects the absence of stigma being attached to the appearance of an illegitimate child within the context of an engagement-family. The close relationship with the parental family has another significant implication. It was seen as creating strong ties of kinship which are maintained also after the independent household of the young couple has been established. This was borne out in our discussion of contacts with close relatives. The often quoted reference to the breakdown of kinship ties within the contemporary Western family does not accordingly apply to the engagement-family pattern in Icelandic society, but then, it should be said, this pattern is not typical of the Western family.

It was pointed out in the course of the discussion about the engagement-family that there existed very substantial similarities between the status ascribed to the institution of engagement in Icelandic society and that described by the sociologist Sydney H. Croog as representative of Danish society. "A ring engagement", Mr. Croog writes, "has almost the status of a formal marriage. The couple is considered virtually wed"<sup>1</sup>. Alva Myrdal, in her book "Nation and Family"<sup>2</sup>, gives similar information about the institution of engagement in Swedish society, and Mr. Rollin Chambliss has reported high degree of premarital pregnancies in Finland<sup>3</sup>. Norway, on the other hand, differs in showing sharply lower degree of premarital pregnancies than both Denmark and Sweden<sup>4</sup>. This "Scandinavian" pattern has been shown by Alva Myrdal and others to be firmly rooted in an old rural courtship system which

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1 Op. cit. p. 216.

2 London, 1955.

3 Cf. his "Contributions of the Vital Statistics of Finland to the Study of Factors that Induce Marriage", in American Sociological Review, 22, February, 1957, pp. 36 ff.

4 Cf. Sydney H. Croog: "Premarital Pregnancies in Scandinavia and Finland", The American Journal of Sociology, Vol. LVII, January, 1952.



in the shape of nocturnal visits permitted considerable sexual freedom to the young, but under effective adult and peer group supervision. W.J. Goode, writing about the traditionally high illegitimacy rates in North western Europe, makes reference to this courtship system, but quotes K. Rob. V. Wilkman: *Einleitung der Ehe*, Abo 1937, as saying that this pattern had not been found in Iceland<sup>1</sup>. This is without doubt quite true and I did not find any signs of this courtship system in my historical investigation. But, as was clearly brought out in the preceding chapter, based on this historical investigation, there is all the same many centuries old tradition behind the present day importance ascribed to the public engagement in Icelandic society and high illegitimacy rates have accordingly been reported from long past. It seems reasonable to suggest that it is primarily due to the firm basis of this tradition how smoothly patterns of non-marriage family systems seem to arise whenever external stimuli are at hand. Thus we have noticed how vulnerable the institution of marriage was to the unfavourable conditions set by taxation legislation, and the present day engagement-family may be seen as an adaptation to a set of factors characteristic of the present social structure of the community in question.

The similarities between the Icelandic and the "Scandinavian" institution of engagement are further backed by basically common legislation as far as both marriage and the status of illegitimate children is concerned, but in spite of these substantial similarities the illegitimacy rate in Iceland has in recent years been more than double that of Sweden and treble that of Denmark. This was explained earlier in this Chapter as being due to the fact that whereas "marriage in the event of conception is apparently a rule in ring engagement"<sup>2</sup> in the Scandinavian pattern, it is more of an exception in the

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1 *Op. cit.* p. 40.

2 Sydney H. Croog: *Aspects of the Cultural Background of Premarital Pregnancies in Denmark*, *Social Forces*, December, 1951, p. 216.

Icelandic pattern, as far as Akrenes is concerned at any rate. The whole value complex which justifies the constitution of a family on the basis of the public engagement does not enter the Scandinavian pattern in any significant degree and accordingly there is strong pressure on engaged couples to get married in the event of conception. Illegitimacies which occur are therefore primarily "de facto" illegitimacies. It is a significant point to notice that the rate of "de facto" illegitimacy in our community was on average 9.6 per cent during the period 1946-64, but in 1950 the official illegitimacy rate in Sweden was 9.5 per cent and in Denmark 7.4 per cent. This close proximity may be taken as a pointer to the effect that in spite of the great discrepancy between the Icelandic and the Scandinavian official illegitimacy rates it is still possible to discern the common cultural background behind the illegitimacy rates when these are carefully scrutinized.

We have so far primarily emphasized the significance of the institution of engagement in providing the key factor for the understanding of those family patterns which have emerged in the course of this investigation. We now propose to place the "fit" between community values and the engagement-family, which was mentioned a moment ago, within a more comprehensive theoretical framework, and seek in that way to come closer to an overall sociological explanation of the subject-matter of our inquiry.

It has been suggested as a sociological theory that one way of approaching the question of marriage and family patterns is to look upon these patterns within the context of the 'social cycle' characteristic for the society or community being studied. The gist of this theory is to the effect that during the 'life cycle' of an individual he passes through certain significant stages, each of which confers upon him socially prescribed rights and



obligations. The implications of this theory for the ordering of social relations were given their classic formulation by the Flemish anthropologist Arnold van Gennep in his discussion about the rites de passage, i.e. the ceremonial passage from one social stage to another<sup>1</sup>. van Gennep, who drew his material from the studies of primitive societies, demonstrated that the degree of ceremonialization varied from one society to another and from one social stage to another within the same society relative to the importance ascribed to the role-changing involved in the transition. More recent studies have confirmed van Gennep's observations<sup>2</sup>, but have also revealed that his theory can be applied successfully to more developed societies, both peasant and industrial, after allowance has been made for certain modifications. Dr. Michael Benton in his recent study on roles<sup>3</sup> has for instance compared the significance of role-changing in tribal, peasant, and industrial societies, considering in particular the institution of marriage in this respect. Another contemporary anthropologist, Dr. S.N. Eisenstadt, deals with the question in terms of the formation of age groups and their relation to the social structure. As some of his remarks are particularly illuminating for the ensuing discussion on the relevance of the 'social cycle' approach to our present study we quote him here at some length.

"There is ... one focal point within the life span of an individual which is to some extent emphasized in most known societies, namely the achievement of full adult status, or full membership in the social system. Within all societies there is some definition - whatever the degree of its formalization - of the "adult man" or full member of the society, and of the point at which the individual may acquire all of the

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1 The Rites of Passage, E.T., London 1960.

2 Cf. e.g. K.L. Little; The Mende, London, 1951; especially chapter VI, The Social Cycle and Initiation.

3 Roles, London 1965.

paraphernalia of full status and enter the first stages of the adult age span. This entrance usually - and, it seems, necessarily - coincides with the transition period from the family of orientation to that of procreation ... One of the main criteria of adulthood is defined as legitimate sexual maturity, i.e., the right to establish a family, and not merely the right to sexual intercourse."<sup>1</sup>

As we now return to our material bearing in mind the preceding theoretical framework there are certain significant features which emerge. First, it must be said that we do not find anything like a formal age-grading system operating within our community, if the school system is excluded. But this does not prevent certain age differentiations from being made which involve transitions from one social stage to another and these transitions take place within a ceremonialized context, as rites de passage. Even though our primary interest is to see what bearing this has upon the question of marriage it is of great significance to watch for the presence of other institutionalized stages on the social cycle, as in this way we may be able to assess the degree to which this factor is a constituent part of the social structure of our community.

In our previous discussion about the part of religion within the community we referred to the ceremonies of confirmation and funeral as the occasions on which one might expect to find every seat in the church taken. We then continued: "At the former occasion the community is gathered to witness the introduction of its young population, not so much into the church, but rather into the initial stage of adulthood within the community. On the second occasion the same community gathers in order to take leave of one who has been a recognizable part of this community and has contributed to its sense

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1 S.N. Eisenstadt: *From Generation to Generation*, London 1956, p. 30.  
(Italics ours).



of identity. Both occasions are of great community interest and it seems reasonable to suggest that this interest takes much precedence over such theological associations as in principle, to say the least, are meant to go with these ceremonies." (p.167, supra). In terms of the theory expounded above these two occasions may now be seen as carrying clear marks of rites de passage, two stages on the 'life cycle' of the individual, the former close to its beginning, the latter marking its closure.

There are several indications which demonstrate that the confirmation ceremony is seen as standing on the dividing line between two social stages. The years of childhood are behind and the stage of early adolescence is at hand. Confirmation takes place when children are 13 years of age. The fact that a new stage has been entered through the confirmation ceremony is more clearly borne out in the case of girls than it is of boys. Thus it is seen as natural, and to be expected, that a girl should start using cosmetics, walking on high heels, etc., once she has been confirmed, whereas before confirmation these things do not have social approval. After confirmation, also, boys and girls look on themselves as eligible for participation in the activities of the local youth which are clearly distinguished from children's games. - The issue here under discussion was not dealt with systematically in the interviews, but there were cases which made it clear that parents are much aware of the transition that takes place in the life of their children at the confirmation. One father put it in this way that in a real sense the parents were taking leave of their children on this occasion, - they were not children any longer. Another couple who had a boy of twelve expressed genuine concern because of the dramatic effect of this event upon the role the youngsters are expected to play among their age-mates, - going to dances,

meeting at the juke-box place, etc. This couple said in fact they much preferred that the confirmation took place at least one year later. Not, we should note, on religious grounds, but purely with regard to the social implications attached to this ceremony.

As we now turn to consider the place of marriage within the individual's life cycle the lines quoted from Dr. Eisenstadt's discussion become most revealing. We remember what he said about there being "... one focal point within the life span of an individual which is to some extent emphasized in most known societies, namely the achievement of full adult status, or full membership in the social system ...", and, "this entrance usually ... coincides with the transition period from the family of orientation to that of procreation ...". It seems to us that this could almost be a description of what takes place through marriage within the engagement-family pattern in our community. We have repeatedly stressed the fact that the institution of engagement, even though conferring upon its incumbents the right to sexual intercourse, does not give them full adult status within the community. Certainly a new stage has been entered when cohabitation is taken up following a public engagement, but this is a transitional stage, very much characterized by dependence upon the parental homes, the families of orientation. It is precisely at the point when this dependence is no longer seen as necessary or socially justifiable that the question of getting married arises. The foundation of an independent household, i.e. the transition from the family of orientation to that of procreation, is accordingly the crucial change in the 'social cycle' of the individual, - when he becomes a responsible adult -, and this change is marked by the wedding ceremony. - This observation, taken together with the implications of engagement with regard to sex-



ual intimacy, goes far to explain the somewhat "unorthodox" marriage and family patterns which have been the object of our discussion in this inquiry. In material terms we saw that high claims are made for entrance into privately owned and well furnished accommodation when the transition from the family of orientation takes place, and this helps to explain the conspicuous community value attached to fast and over-ruling rhythm of work.

Considering the marriage ceremony itself within this context of a rite de passage we are in a better position to understand the substantial popularity of church weddings within a community of non-church-goers<sup>1</sup>. Similarly just as the confirmation ceremony makes the entrance into early adolescence, so the ceremonial church wedding is seized upon as a suitable context for the introduction of the young couple into full membership of the community. Viewed from this angle it is further significant how unceremonialized the wedding usually is when it occurs after the transition to the independent household has taken place, as was the case in the older type of engagement-families with its prolonged cohabitation. The absence of ceremony here further establishes our thesis that marriage within the pattern of the present day engagement-family serves as a rite de passage<sup>2</sup>.

It will be understood that the points which have been raised in this discussion of both marriage and confirmation within the context of a theory relating to the 'social cycle' have important theological implications which need to be elaborated. This we shall do in our theological discussion which follows the present sociological analysis.

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- 1 Cf. M. Barton; "Yet it is striking that many people who do not go to church from one year's end to another take it for granted that they, and their friends and relations, should be married in church". *Op.cit.*, p.115.
  2. Note in this respect the similarity to what has been observed about second marriages in relation to rite de passage, cf. van Gennep; "That the rites of passage do not appear in their complete form, are not greatly emphasized, or do not even exist except at the time of the first transition from one social category or one situation to another has been shown repeatedly". *Op. cit.*, p. 175.

Finally, it needs to be underlined that this study was never meant to be a nation-wide presentation of the relationship between the incidence of illegitimacy and types of family organization. Even though occasional references have been made to national facts and figures relating to this issue, in the end no greater claim can be made for the study than that it has endeavoured to show what the nature of this relationship appears to be in one particular Icelandic community. It was pointed out in an earlier context that the size of this community does not allow for much variety in public attitudes and values, there being many forces at work favouring a homogeneous cultural pattern. We noticed, however, certain significant group differences with regard to our issue, notably in terms of the high degree of prolonged cohabitation within one occupational group, the unskilled manual group; also there were mentioned firm dissenters from the present day pattern of the engagement-family. These group differences, which may be expressed as differences in customs, ethical standards and social norms, can be expected to stand out much more sharply in the context of more heterogeneous communities, such as in the larger towns in the country, the Capital in particular.



IV. Towards a theological approach to social issues.

At the beginning of the theological-ethical discussion which now follows we need to be reminded that our original point of departure was Luther's teaching on marriage within the context of his doctrine of the two kingdoms. This doctrinal context led the discussion into the historical survey, at the close of which some significant concluding remarks were made about the separation of the two kingdoms. A separation of this nature was seen as going hand in hand with the development of a form of marriage which was altogether divorced from the Church, not in the form of civil marriage in the first instance, but as the institution of public engagement. As we now have completed our sociological inquiry it is again timely to take our bearings by relating our findings to the context of the two kingdom doctrine.

There are two important factors to be noted in this respect, both intimately related. The first of these concerns the outstanding role played by the public engagement in giving shape to marriage and family patterns, and the second refers to the social function of the ecclesiastical wedding ceremony. Both these factors are pointers to the fact that a wide separation has taken place in this area of life between the spiritual and the worldly kingdoms.

With regard to the institution of engagement our sociological analysis ties immediately with the outcome of the development we noticed in the historical survey. It is impossible to evade the conclusion that here is an institution, carrying marriage-creating-significance, which is not considered to be in any contact whatsoever with the Church, nor with the Christian faith for that matter. In other words, it is a "secular" institution in a non-Lutheran sense of the word, - if we are allowed to anticipate some-

what later discussion. The present-day picture of this institution differs therefore from what we saw in the historical survey not in terms of its "apartheid" from the sphere of faith, but rather in the vastly increased importance it has assumed within the total social structure. But for that very reason the presence of this institution raises in a much more acute form the question of how the Church relates its message to the social order in general and to the institution of marriage in particular. It is of course to this general question that the doctrine of the two kingdoms traditionally addresses itself.

If the institution of public engagement points to a separation of the two kingdoms the scope and extent of this separation is borne out even more comprehensively through the social function of the ecclesiastical wedding ceremony. In order to be brought face to face with this separation we need only to be reminded of the part the wedding ceremony plays within the totality of the Church's role in this community. As this role was seen to be to a great extent limited to providing a ceremonialized context for the transition from one social stage to another, so also the importance of the wedding ceremony must be seen in this context. The all too clear discrepancy between the popularity of Church weddings and the general Church attendance is a striking pointer to the prevalence of social as against religious significance ascribed to the wedding ceremony. Here then is a separation between the spiritual and the secular realms which as far as marriage is concerned confines the meaning of the spiritual to a strictly limited social function. It is worth emphasizing that this separation with regard to the institution of marriage is but a function of the wider separation between the two realms which stands revealed most everywhere when notice is taken of the place of



the Church within the community.

Without ascribing exaggerated significance to social phenomena, which moreover have been brought to light in but one particular community, we believe there have emerged certain basic characteristics which immediately grow in importance when placed within the nexus of a two kingdom doctrine. Thus it is apparent that the separation of the two kingdoms sets apart the Church on one hand and the social order on the other. In our community we have been made aware of what has been described as an "undisturbed compatibility" between the two spheres, a "meaningless juxtaposition of two separate realms fenced off and removed from any possibility of conflict"<sup>1</sup>. Using terms which are intimately related to the two kingdoms terminology we can say that civil righteousness, iustitia civilis, has been allowed to take its course with only minimal interference from the righteousness of God, iustitia Dei. By iustitia civilis - which becomes a key concept in the ensuing discussion - we do not mean only or even primarily civil legislation, but rather the whole area of social control as this takes shape in institutions, customs, morals, values, etc. Bearing in mind this comprehensive interpretation of iustitia civilis we are in a better position to visualize the extremely narrow field of interest and influence allocated to the Church, when it is affirmed that the two types of iustitia have become separated. Referring back to our discussion of marriage this "narrow field" amounted to a matter of certain "formality".

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Leaving behind for the present the particular circumstances relating to our social survey we cannot do so without being brought once again face to

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1 G. Ebeling: "The Necessity of the Doctrine of the Two Kingdoms", in "Word and Faith", E.T. 1963, p. 396.

face with the doctrine of the two kingdoms and the implications of this doctrine for our understanding of the relation between the Church and the social order. It hardly needs mentioning that a separation of the two kingdoms similar in nature to what we have just been describing has become a subject of great concern within Lutheranism as well as a point of considerable criticism<sup>1</sup>. This will be our particular concern shortly. But before that a few more introductory remarks.

Our task in this final part of the thesis belongs to the field of Christian social ethics. This of course is borne out by the exclusive sociological analysis preceding this chapter. There is reason at this point to pay a little attention to our way of procedure and to the ordering of our material. By placing the sociological material in front of the purportedly Christian socio-ethical discussion the impression could easily be left that ours was the task of accommodating the Christian ethical material to the sociological data. There is no doubt that there is a temptation for Christian social ethics to define its task with regard to sociology in terms of confining itself to pronouncements as to how society should be, but leaving it to the social sciences to inform us how it is. We call this a temptation for Christian social ethics as it appears to be an ideal solution of dialogue and collaboration. But in defining the task of Christian social ethics in this way the theologian would be taking upon himself the responsibility of removing from the content of the Christian message the knowledge and the proclamation of how things not only should be, but how things are. It is common to find in discussions on theological ethics, - as distinct from Christian social ethics -, that the theological indicative precedes the imperative, and this point being claimed, not without reason, to be a distinctive point of

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1 Cf. H. Brunotte and O. Weber (ed.): Evangelisches Kirchenlexikon, Göttingen 1959, vol. III, "Zwei-Reiche-Lehre".



Christian ethics. But it is not by any means as common to find this point raised and practised in Christian social ethics. Why this is so may very well be intimately related to the question which will be our primary interest in this whole part of our thesis, viz. the nature of the relationship between the righteousness of God and civil righteousness. This we consider to be the fundamental question for Christian social ethics which must be raised and worked out prior to any socio-ethical discussion of sociological data. Conversely, the failure to recognize the interpretative priority of this question is bound to result in confusion and lack of clarity as to the relation between theology and the social sciences.

The temptation for Christian social ethics to accept the "isness" of actuality as it is interpreted by the social sciences is often increased by the hard felt incompatibility of the laws of this reality with what is considered to be the essence of the Christian message. Various types of Christian social ethics may then develop which in varying degree of sophistication attempt to do justice to both sides in the dilemma. But regardless of whether the solution is taken to rest with the recognition of the absolute autonomy of the social order ("Eigengesetzlichkeit"), or in affirming the existence of orders of creation, or by giving up the idea of Christian social ethics altogether, it can and indeed must be seen as a specific reading of the problem posed by the relation of civil righteousness to the righteousness of God. One reading of the problem, it must be added, is not to recognize its reality.

What we have been saying amounts to affirming that we take Christian social ethics to be a theological discipline. This may sound as an unnecessary tautology, but it definitely is a point which needs to be raised as soon

as the question is asked; where do we start? By accepting it as a theological discipline we are directed to take our bearings from the centre of the Christian faith, the righteousness of God as revealed in Jesus Christ. (Cf. Mt. 6:33 "Seek first his kingdom and his righteousness ..."). From this centre we ask the first question, viz. whether and then how this divine righteousness is related to civil righteousness.

After having made this initial affirmation about our point of departure no hermeneutical meaning should be attached to our particular ordering of the material, i.e. by placing the sociological analysis ahead of the Christian socio-ethical discussion.

Finally, as we now turn to the question of defining further our task in this final part of our thesis we want to make it clear that we do not intend to give a primary importance to socio-ethical discussion of the material directly presented in the sociological analysis. We reckon that there is a much more basic question which forces itself upon our attention, prompted indeed by our whole previous discussion about the institution of marriage within the context of Luther's doctrine of the two kingdoms. This is the very question of the relationship between iustitia christiana and iustitia civilis. Faced as we are with a consistent separation of the one form of iustitia from the other, seemingly as the result of a historical development in which the doctrine of the two kingdoms has played its part, the question as to the adequacy of this doctrine in presenting in nuce the principles for Christian social ethics is thrown wide open. Our primary concern will be to strive for a biblical interpretation of the relationship between iustitia christiana and iustitia civilis, testing at the same time the adequacy of the two kingdom doctrine in expressing this interpretation. In



order to achieve this twofold aim it will be found useful to follow in some detail current interpretation and discussion of Luther's doctrine of the two kingdoms.

2.

In his recent book on the ethics of Luther<sup>1</sup> P. Althaus has summarized into a concise statement the basic points which are brought forward in criticism of Luther's doctrine of the two kingdoms. This theologian does not by any means share this criticism as will be amply demonstrated in a later context, but his statement is a truthful one and serves well for launching this part of our discussion. Althaus writes: "Zuerst: mit dieser Lehre werde der Herrschaftsanspruch Jesu Christi verkürzt, der sich doch auf alle Bereiche des Lebens und der Welt beziehe. Luther leite aus dem Evangelium nur die neue Haltung des Christen in der Welt ab, aber nicht auch die Aufgabe des Christen an der Erneuerung der Welt, der Umgestaltung ihrer Ordnungen in Richtung auf das Reich Christi ... Zu zweit: Luther entferne sich von dem Neuen Testament insofern, als er die eschatologische Spannung der beiden Reiche ausser Acht lasse, die beiden Regimente vielmehr einfach nebeneinander stelle, zu statischer Koexistenz, statt sie in den Kampf miteinander zu sehen"<sup>2</sup>. - This summary introduces the basic issues which will be recurring in one form or another in the ensuing discussion: The Lordship of Jesus Christ over the Church and the world, individual ethics issuing in indifference towards society, the peaceful co-existence of the two kingdoms due to Luther's interpretation of eschatology.

For H. Thielicke<sup>3</sup> it is primarily the last point in Althaus' statement which gives him concern. There is always this perilous element present in

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1 P. Althaus; Die Ethik Martin Luthers. Gütersloh 1965.

2 Op. cit., p. 84.

3 H. Thielicke; Theologische Ethik, I, Tübingen 1951, pp. 583 ff.

Luther's doctrine, he writes, that the two kingdoms come to stand in a harmonious juxtaposition to each other. This relationship of "Nebeneinander", Thielicke affirms to be in sharp contrast to the New Testament teaching about the two aeons<sup>1</sup>. Admitting that it is wrong to blame Luther for establishing a spatial distinction between the two kingdoms<sup>2</sup>, he finds in Luther's doctrine a static distinction of "Gleichzeitigkeit" between the kingdoms. The New Testament on the other hand operates with the terminology of the two aeons which in order of time follow one after the other, "hintereinander liegen"<sup>3</sup>. This New Testament temporal relationship is according to Thielicke essential for the proper interpretation of a two kingdom doctrine, as only through a relationship of this nature can a timeless co-existence between the kingdoms be prevented. "Nur dann bleibt die ständige Infragestellung unseres Aons durch den kommenden, bleibt der Angriff auf alle seine Ordnungen, auf seine Gefallenheit bestehen"<sup>4</sup>. The element of questioning - "Infragestellung" - is in Thielicke's view congenial to a New Testament exposition of a two kingdom doctrine, and we note that it is not only the individual who is questioned but also the totality of the social orders of our present world. - Together with the tendency in Luther's doctrine to place the two kingdoms in a juxtaposition to each other Thielicke refers to the further possible aberrations of a "double morality" and "Eigengesetzlichkeit".

H. Gollwitzer expresses his misgivings about the two kingdom doctrine in terms of the ill-defined relation of this doctrine to the confession of the Lordship of Jesus Christ<sup>5</sup>. The distinction of the two kingdoms had its

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1 Op. cit., p. 595.

2 Ibid, p. 594.

3 Ibid, p. 595.

4 Ibid, p. 595 (Italics ours).

5 H. Gollwitzer: "Die christliche Gemeinde in der politischen Welt", in Forderungen der Freiheit, München 1962, pp. 3 ff.



due place in countering the false teachings of the Enthusiasts (die Schwärmer), but was it sufficiently safeguarded against unintended aberrations? "... so fehlt hier ein nachdrücklicher Schutz dagegen, dass dies nicht auf eine weltkluge Anerkennung der politischen Realitäten als eines zweiten Herrn, dem ebenfalls zu gehorchen sei ... Wie soll vermieden werden, dass dies nicht nur die theologisch-mythologische Ausdrucksform für die bleibende und fordernde Eigengesetzlichkeit der Welt ist ...? War die Verbindung der beiden Reiche durch die behauptete Einheit des göttlichen Regierers eng und wirksam genug, wenn nicht deutlich gemacht wurde, dass dieser Regierer Jesus Christus heisst, auch im Reiche zur Linken?"<sup>1</sup> Gollwitzer traces another "suspect" element in Luther's personalistic conception of the two kingdoms. There is unquestionable truth in affirming that it is the individual who becomes a Christian and not his environment, but again this truth must be safeguarded against erroneous conclusions: "Sie" (i.e. this truth) "muss geschützt werden gegen die falsche Meinung, die Bedeutung des Evangeliums für das öffentliche Leben erschöpfe sich in der Verchristlichung der Motive und der Gewinnung des Einzelnen ... so dass die Forderung des Wortes Gottes sich nur auf die "christliche Persönlichkeit" bezieht, wie diese in den vorgefundenen Verhältnisse lebt, nicht aber auf eine Änderung dieser Verhältnisse selbst drängt"<sup>2</sup>. - We note here the affinity with H. Thielicke's point about "Infragestellung". Finally, Gollwitzer asks about the place of the Christian congregation within the two doctrine scheme: "Wo bleibt in Luthers Konzeption eigentlich die Gemeinde?"<sup>3</sup>

Another powerful advocate for the essential priority of the confession of the Lordship of Christ in relation to the doctrine of the two kingdoms is

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1 Op. cit., p. 20 (Italics ours).

2 Ibid., p. 25 (Italics ours).

3 Ibid., p. 26.

Ernst Wolf<sup>1</sup>. Dr. Wolf further makes the point that for a Christian there can be no question of split loyalties because of the two kingdoms, that is, in terms of a "double citizenship". "... Das bedeutet aber, dass die Zweireichellehre nur in der Klammer des Bekenntnisses der Königsherrschaft Christi ihren theologisch legitimen Ort haben kann ... Weil Jesus Christus der Anspruch auf unser ganzes Leben ist, weil wir zu Bürgern seines Reiches berufen sind, weil wir in die Freiheit seiner Gerechtigkeit versetzt sind, hören wir nur einen Herrn, dem wir nachfolgen, nur ein Gebot, dem wir gehorchen sollen, in der Welt und für die Welt"<sup>2</sup>.

The question of the relation between eschatology and the two kingdom doctrine has in the foregoing appeared somewhat indirectly, cf. H. Thielicke. This relation has been made a subject of special study by Thomas F. Torrance<sup>3</sup>. Whereas the "New Testament writers and the early Fathers thought of the two aeons in terms of a Heilsgeschichte, in terms of a divine action within, as well as transcending, the course of history", Dr. Torrance writes, "Luther's doctrine of the two ages or regiments is primarily dialectical"<sup>4</sup>. Luther's was primarily an eschatology of judgment<sup>5</sup>, and "the geistliches Regiment as even novum regnum is not thought of in positive relation to the temporal kingdom of this world but is sharply distinguished from it ..."<sup>6</sup>. Further, "it is the part of faith to maintain the eschatological perspective by dis-

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- 1 E. Wolf: "Königsherrschaft Jesu Christi und Zweireichellehre, in "Von Herrengeheimnis der Wahrheit", Festschrift für H. Vogel, Berlin 1962, pp. 277 ff. Cf. also W. Schmauch/E. Wolf: "Königsherrschaft Christi, Theologische Existenz Heute, N.F. 64, München 1958. Further, E. Wolf: "Politia Christi, in "Peregrinatio", München 1954.
  - 2 Von Herrengeheimnis der Wahrheit, p. 301-302.
  - 3 T.F. Torrance: Kingdom and Church, Edinburgh 1956; Cf. also his essay "The Eschatology of the Reformation", in Scottish Journal of Theology, Occasional Papers No. 2, 1953.
  - 4 Kingdom and Church, p. 17.
  - 5 Eschatology, p. 40.
  - 6 Kingdom and Church, p. 18.



tinguishing sharply between the two kingdoms, the Reich der Gnade and the Reich der Tat, the Kingdom of God and the kingdom of this world"<sup>1</sup>. Luther "... found it extremely difficult to think of duration or time in the Kingdom of God ... Consequently, apocalyptic for Luther pointed not so much to the engagement of the Kingdom of God with history, as to its abrupt termination ..."<sup>2</sup> - In view of these implications of Luther's eschatology, Dr. Torrance raises the following question: "Apart from the ultimate unity between the two kingdoms in the regnum dei invisible which will be revealed at the Advent of Christ, is there no positive connexion between the two kingdoms in history, no tertium comparationis which faith may discern here and now in this world?"<sup>3</sup> In an elaboration of the answer to this question Dr. Torrance remarks: "Quite clearly Luther did not give sufficient attention to the corporal embodiment of the Word here and now within the world, an embodiment which already spans the distinction between the two kingdoms as a tertium datur."<sup>4</sup> It follows "... that the new creation remains wholly concealed until the Advent of Christ. There is a distinct failure at crucial points to give to the doctrine of the resurrection its full significance and weight"<sup>5</sup>. Concluding his discussion Dr. Torrance finds that Luther has lost sight of "the new creation in Christ as already an accomplished fact, as a perfectum praesens ...", which means "... that the believer does not really learn to live on the resurrection side of the Cross"<sup>6</sup>.

At this stage we believe all the points of criticism and warning included in P. Althus' summary at the beginning of this section have been identified and represented, however cursorily. There is one point, however, which

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1 Ibid, p. 31.

2 Ibid, p. 19 (Italics ours).

3 Eschatology, p. 45.

4 Ibid, p. 48.

5 Ibid, p. 49.

6 Ibid, p. 52.



does not appear in the summary given by Althaus but certainly needs to be mentioned in this present context. This point concerns the question of how the doctrine of the two kingdoms relates the doctrine of Creation to that of Redemption. The fact that this question is not raised directly in the summary statement offered by Althaus may of course simply mean that its indirect presence is taken as assumed. However that may be this is a question which must be brought out into the open when one is discussing the two kingdom doctrine. This has been done by W. Dantine. In a couple of sentences Dr. Dantine links together on the one hand iustitia civilis and the doctrine of the two kingdoms, and on the other hand a false autonomy of the iustitia civilis and the separation of Creation from Redemption. This separation leads to the "nebensinander" placement of the two kingdoms. Dr. Dantine writes: "... Dann bekommt die "iustitia civilis" eine falsche Autonomie und die Schöpfung wird von der Erlösung getrennt. Hier liegen die grossen Gefahren einer Zwei-Reiche-Lehre, die fein sauberlich zwei Bereiche voneinander trennt ..."<sup>1</sup>.

Summing up this critical survey we look back to our point of departure which is our interest in discovering what sort of reading of the relationship between iustitia christiana and iustitia civilis is offered by the doctrine of the two kingdoms. Looking at the critical survey from this angle we are given a continually sharper focussed picture of a relationship which is one of separation and indifference, almost to the point of suggesting no relationship whatsoever. By transposing the findings of this survey about the two kingdoms to the two types of iustitia we discover a distinct element of self-sufficiency of one type as against the other. No essential dialogue takes place between iustitia christiana and iustitia civilis, as the element of

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1 W. Dantine; "Das Gesetz Gottes und die Gesetze der Menschen", a mimeographed copy issued by the Lutheran World Federation, 1965, p. 3 (Italics ours).

questioning - Infragestellung - is missing. Translated into Christian socio-ethical terms this means basically that the Christian faith - iustitia christiana - leaves the social order - iustitia civilis - untouched. There appears the familiar structural juxtaposition of two spheres, theologically grounded in personalistic piety, in a reading of the Credo which does not see the first article in any essential relationship with the second, and in a reading of eschatology which transcends history.

If the critical survey of the doctrine of the two kingdoms presents to us a unified picture in this way it is equally consistent in pointing out that this picture is in sharp contrast to the New Testament witness to the relation of the Kingdom of God to the world. In particular there is revealed a wide discrepancy between the thinking in terms of two autonomous spheres on the one hand and the proclamation of Jesus Christ himself and of his disciples on the other, that to him, the Lord, all power has been given in heaven and in earth (Mt. 28:18; Eph. 1:20 ff; Phil. 2:9; Col. 1:13 ff.). Speaking in terms of our starting point the New Testament is understood to indicate a much closer tie between iustitia christiana as revealed in Jesus Christ and iustitia civilis than the doctrine of the two kingdoms seems to suggest. We are thus again brought face to face with the question whether in fact Luther's doctrine does provide an adequate - or should we say a legitimate? - basis for Christian social ethics. - Before we give a definite answer to that question we must take a second look at Luther's teaching on these matters.

3.

One must remember that there are vastly different interpretations offered by Luther scholars on his doctrine of the two kingdoms. This rather perplexing situation is strikingly borne out by the fact that a recent church



lexikon includes two "schools" of interpretation, represented by P. Althaus on one hand and J. Heckel on the other<sup>1</sup>. E. Wolf comments: "Es besteht, auch unter Lutherischen Theologen, bis heute noch kein eigentlicher consensus in der Lehre von den zwei Reichen"<sup>2</sup>.

It follows from this difference in interpretation that criticisms directed against the doctrine of the two kingdoms may in fact substantiate one version of this doctrine at the same time as it strikes at another. If we first take a quick glance at one representative "school", viz. that of P. Althaus, we shall find no difficulties in recognizing the very points which were raised in the critical survey. Althaus writes: "Aber derselbe Gott, der das Reich der Gnade in Christus waltet, hat auch das weltliche Reich gesetzt. Dabei ist Christus nicht beteiligt. Gott setzt es ein, nicht Christus. Es ist daher wohl auch Gottes Reich, aber nicht Christi Reich. Er kümmert sich um das weltliche Regiment so wenig wie um Gottes Walten in der Natur"<sup>3</sup>... Das weltliche Regiment ist also langst vor Christus da, demnach auch ohne ihn in Kraft. Schon daraus ergibt sich, dass weltlich Regiment und Christi Reich zweierlei sind und dass Christus mit dem weltlichen Regiment unmittelbar nichts zu tun hat<sup>4</sup>... Im weltlichen Regiment bedarf es Christi, seines Evangelium, des Geistes nicht. Hier regiert die Vernunft...<sup>5</sup> Der Christ muss in beiden Reichen leben, ist Bürger des einen wie des anderen...<sup>6</sup> Er hat zwei Herren, einen im Irdischen, einen im Geistlichen..."<sup>7</sup>. Finally, "Luther hat erkannt: Jesus spricht nirgends von einer neuen Verfassung oder Ordnung dieser Welt, sondern allein von der persönlichen

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1 Cf. Evangelisches Kirchenlexikon, vol. III, "Zwei-Reiche-Lehre", Göttingen 1959.

2 Von Herrngeheimnis der Wahrheit, p. 281.

3 Die Ethik Martin Luthers, p. 52 (Italics ours).

4 Ibid, p. 54 (Italics ours).

5 Ibid, p. 64.

6 Ibid, p. 67 (Italics ours).

7 Ibid, p. 68.



Haltung seiner Jünger den Gütern der Welt gegenüber"<sup>1</sup>.

These citations speak for themselves. Here a thorough-going separation is a leading principle. God is set blatantly apart from Christ, Creation from Redemption, spiritual kingdom from earthly kingdom, loyalty to Christ from the loyalty to the world, and the inside of man from his outside. Taking, therefore, this line of thought as an interpretative principle for Christian social ethics we would come out with a type of iustitia civilis which is related in no way whatever to the righteousness of faith, iustitia christiana.

As we move away from this particular "school" we shall find that some of the points raised in the critical survey tend to lose weight. First, there is the question of the relationship between the two kingdoms. In our discussion about this subject in the first part of this thesis it is pointed out that this relationship must be seen as reflecting the dialectical relationship between law and gospel. This relationship does not suggest a static sort of "Nebeneinander", cf. Thielicke, but rather a dynamic "Hintereinander" of the kind which Thielicke describes in terms of the two aeons. As it is the locus of law-experience within the "Anter", the earthly kingdom is open to "Angriff" (Thielicke) from the side of the spiritual kingdom, viz. in the bursting of justifying Grace upon a sinner! Besides, there is the important distinction between "usus" and "abusus" which prevents the relationship between the two kingdoms from becoming an altogether harmonious co-existence (cf. p. 33 supra). These 'positive' factors need to be recognized. Having done so, however, we shall soon admit that there is still a lot of weight to Thielicke's point about the lack of "Infragestellung", namely in so far as the social orders are concerned.

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1 Ibid, p. 71.

Secondly, there is the point about the connexion between the two kingdoms doctrine and the confession of the Lordship of Jesus Christ (cf. Collwitzer). The interpretation offered by P. Althaus leaves us in no doubt on this point. Christ is not the lord over the earthly kingdom, ergo the Church and individual Christians must look elsewhere for inspiration and direction for the execution of secular duties. - This reading of Luther's doctrine, however, has been strongly challenged by reputable Luther scholars. J. Heckel for one has affirmed that the doctrine of the two kingdoms is fundamentally christocentric<sup>1</sup>. J. Heckel writes: "... der Kernbegriff der Reichslehre des Reformators (ist) das regnum Christi. Sie ist also christocentrisch<sup>2</sup>... Die Ausgangsposition Luthers ist nicht die göttliche Herrschaft über die Welt, sondern das Reich der Gnade<sup>3</sup>... Von da richtet sich das Augenmerk der Reichslehre auf den zweiten Abschnitt derselben, wo von dem regnum Christi als Herrschaft über die Schöpfung die Rede ist..."<sup>4</sup>. Finally, "Die Reichs- und Rechtslehre des Reformators weist in allen ihren Hauptzügen auf eine Mitte hin, auf das regnum Christi und die in ihm waltende lex spiritualis oder lex Christi"<sup>5</sup>. - G. Törnvall has shown that Luther differentiated between aspects or levels in his conception of the kingdoms<sup>6</sup>. At the top level there is the invisible, majestic Kingdom of God, "... regnum dei nobis invisibile, quomodo omnia creavit, regit mundum, quomodo zueht, das der so lebt, thut"<sup>7</sup>. This is the Kingdom of God the Creator

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1 About this affirmation of J. Heckel Dr. Althaus indignantly remarks that here Luther "als Kronzeuge für Barths christologische Begründung des Rechtes und Staates vorgestellt wird"! Quoted by J. Heckel: Im Irngarten der Zwei-Reiche-Lehre, Theologische Existenz Heute, N.F. 55, München 1957, p. 4.

2 Op. cit. p. 5.

3 Ibid, p. 6.

4 Ibid, p. 8 (Italics ours).

5 Ibid, p. 39.

6 Cf. op. cit., p. 37.

7 WA45,280, cited by Törnvall, p. 36 (Italics ours).



and the Lord of the world. This invisible Kingdom, it is important to note, is related to the lower level of ecclesia, politia and oeconomia through its inseparable link with the Kingdom of Christ, regnum Christi. "Jesus Christ is God, Creator and Lord over all, and He participates in God's invisible Kingdom as well as rules over the visible Kingdom of God on earth. Secundum Deitatem Christ rules in the invisible Kingdom along with the Father, for He is equal to the Father, but secundum humanitatem He reigns in the Kirche and Christenheit on earth, although He is also Head of the whole worldly regiment on earth because of his Deity"<sup>1</sup>.

There is accordingly strong support for maintaining that Luther did not divorce his doctrine of the two kingdoms from his belief in the Lordship of Jesus Christ. This is not to say, however, that there are no problems left concerning this point. As we shall see presently these problems now appear around another aspect of this same point.

Finally, a word in defence of Luther is due when criticism is made about his reading of the relation between iustitia christiana and iustitia civilis. G. Tornvall has again argued that it is a misrepresentation of Luther when iustitia civilis is understood to stand in no integral relation to iustitia christiana. Ever since Melancthon, Tornvall affirms, it has been the rule within Lutheranism to place the two types of iustitia side by side<sup>2</sup>, allowing accordingly no organic relationship between civil righteousness and the Christian faith. Iustitia civilis is handed over to natural theology. But this is a false reading of Luther, says Tornvall. Iustitia civilis is for Luther theocentrically orientated, which further implies that it must be related to Jesus Christ himself. Iustitia civilis is genuine righteousness; it is not an inferior type of righteousness which needs to be salvaged by

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1 T.F. Torrance, in expounding Luther's teaching, in "Kingdom and Church", p. 23.

2 Op. cit., p. 169.



another superior type. But, and here comes the essential point, it is only genuine righteousness in so far as it receives its "genus iustitiae" from the encounter with the iustitia christiana. Only in and through this encounter will it remain in suo loco, viz. extra locum justificationis<sup>1</sup>.

4.

What shall we say then? Do these corrective points bring us back on a sure ground on which the structure of Christian social ethics can be built? This we might think if we felt assured that the doctrine of the two kingdoms does in fact carry with itself a relationship between iustitia civilis and iustitia christiana such as the one described by G. Tornvall. This, however, is where we have our doubts which now must be considered.

In spite of what we have been told about regnum Christi and its participation in the invisible Kingdom of God there still appears to be a limit to Christ's lordship over the world. We come up against this barrier to His redeeming Kingship in the dichotomy between res and persona<sup>2</sup>. In so far as the social orders (res) are the good creation of God they assume a status of almost sacred inviolability. This status becomes further established through the discovery of faith that every vocation is designed so as to prompt service towards one's neighbour. But is this a barrier to Christ? Can we not discern just here the organic relationship between iustitia christiana (the law of love) and iustitia civilis? In order to answer these questions we must first look at the encounter of Christ and persona. The basic difference between res and persona is that the former (res) is a good creation whereas the latter (persona) is a sinner. When this sinful persona is confronted by the Lordship of Jesus Christ there are indeed no limits. As a

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1 Cf. Tornvall, op. cit., p. 172; Cf. also G. Tornvall: Der Christ in den zwei Reichen, Evangelische Theologie, 10, 1950-51, pp. 66 ff.

2 Cf. p. 39 supra.

Justifying Grace this Lordship reveals the "totaliter" structure of Sin and there can be no single moment lived in justification except for the relentless engagement of Christ with the powers of Sin, - "semper peccator, semper penitens, semper justus"<sup>1</sup>. Here is indeed a vital, organic relationship between Christ and persona. Here we may discern the element of questioning, "Infragestellung". - We can now turn back to our questions. As we do so the difference between the relationship of Christ and persona on one hand and Christ and res on the other stands revealed. Whereas faith in the first instance stands for constant engagement of Christ with the sinner, faith in the second instance issues in occasional interference with the social order, viz. in cases of abusus. There is, as Thielicke points out, no scope for the questioning of the orders themselves which is understood to be integral to the Lordship of Jesus Christ. This lordship reigns strictly in corde. It is in this that we detect a barrier, a limit to the scope of the Lordship of Christ. There is a need, if we may say so, to let Christ be Christ! For is it really being true to the faith in the incarnate and risen Lord, in whom God was reconciling the world to Himself (2 Cor. 5:19), and in whom there is a "new creation", to place arbitrary limits to the restitutionary effects of this faith? Is there biblical ground for the "sacrificium intellectus" we are required to make if we must accept this radical separation between man as an individual person and man as a social being? Can indeed the Love of God for man as revealed in the total identification with man in the Word become flesh, can this Love issue in anything less than a total concern for our brethren in the totality of their relationships within the total social structure? - The implications of the res et persona

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1 Cf. G. Rupp: The Righteousness of God, London 1953, p. 183: "Luther's famous "Progress, that means always beginning afresh (semper a novo incipere)" means that the Christian man has continual recourse to the righteousness of the Living Christ".



dichotomy are far-reaching. It is easy to see how it may breed separation even in matters where separation was not intended by Luther himself. When the redeeming encounter of Christ with the world is restricted to the innermost thoughts of the heart, however true this encounter is, there is a short step to believing, and practising, that one is the Redeemer and another the Creator. Equally it may become natural to see one's loyalties split, between being a "Christperson" and a "Weltperson"<sup>1</sup>. And by then there has been established an autonomous iustitia civilis, not a truly autonomous iustitia in its encounter with iustitia christiana, but simply without Christ, extra Christum. - Those who speak of violence being done to the first article of the Credo when a christological starting point is accepted for Christian social ethics might do well to consider what violence is done to the Incarnation when Christ is set apart from the world. If anything is extra Christum it has not been redeemed and must therefore make absolute claims; it becomes demonic. A Zwei-Reiche-Lehre in a demonic form is not an altogether unknown quantity to the Church in this our twentieth century.

So far we have not taken up for consideration the points raised in the critical survey about Luther's eschatology (cf. T.F. Torrance). Our present context offers the appropriate setting for the introduction of these points, as we believe it is the eschatology which ultimately sets the scene for the separation of Christ from the world, which we have been describing. The eschatology presents, as it were, the overall background against which all these points cohere which otherwise we should find so inexplicable in Luther's theology. - Dr. Torrance remarks that Luther's "attempt to relate

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1 It has been convincingly argued by G. Forck that for Luther himself this distinction did not carry the meaning of double morality, frequently ascribed to it. Cf.: G. Forck; "Die Königsherrschaft Christi und das Handeln des Christen in den weltlichen Ordnungen nach Luther", in Kerygma und Dogma, III, 1957, pp. 23 ff.



eschatology to the natural course of history was strangely confused"<sup>1</sup>. This confusion may perhaps be related to the structure of the two kingdoms doctrine and the connexion between this structure and eschatology. J. Heckel has shown us that the two kingdoms doctrine operates on two separate fronts. The first front, or the "Reichslehre im Grundsinn", sets forth regnum Christi, i.e. gratias, in its opposition to regnum mundi, i.e. diaboli. The second front, or "die Regimentelehre", represents the dominion of regnum Christi over Creation in the shape of geistliches and weltliches Regiment<sup>2</sup>. Bearing in mind these two distinct fronts it is important to notice that the eschatological perspective refers basically to the first front and only in a secondary, derivative sense to the second front, i.e. the historical front. Ultimately, both "Regiments" are on the side of regnum Christi in its eschatological conflict with regnum diaboli. There is accordingly only a limited scope for an eschatological "Angriff" (cf. Thielicke) upon the orders of this world (weltliches Regiment) as the orders themselves form regiments in the battle against regnum diaboli<sup>3</sup>. - The confusion arises, however, when we recognize that there still remains a "limited scope" for eschatological questioning of the orders, viz. when these are made subject to abusus. But again we must emphasize that this "Infragestellung" is not an integral part of the relation between Christ and the social order. - The eschatological perspective is according to what has been said above predominantly supra-

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1 Kingdom and Church, p. 18.

2 J. Heckel, op. cit., pp. 6 ff.

3 P. Althaus helps us to reach clarification on this point. Althaus writes: "Alle rechten Ordnungen und die durch sie gesetzten Ämter sind für Luther Gestalten des Liebesdienstes an den Menschen, an der Gemeinde. Wie kann er sie dann von Liebesgebot her "auf ihre Fragwürdigkeit hin" anreden?... Die Rede aber von den "Einbrüchen" des Reiches Gottes in das Weltreich verwechselt wieder das Weltreich des Satans mit Luthers Regiment zur linken Hand. Gottes Reich bricht "dynamisch" in das Reich der Sünde und des Satans ein, - aber auch in Gottes Regiment mit der linken Hand?" - Evangel. Kirchenlexikon, vol. III, Sp. 1934 (Italics ours).

historical<sup>1</sup>; it does not in any essential way allow for "the engagement of the Kingdom of God with history"<sup>2</sup>. The two kingdoms must be kept apart and their ultimate unity can only be discerned "under the overarching Regnum Dei"<sup>3</sup> which, we should note, is the invisible Kingdom of God. In so far as there is a "positive connexion between the two kingdoms in history", a "tertium comparationis which faith may discern here and now in this world"<sup>4</sup>, this is the Word of God<sup>5</sup>. This tertium comparationis has its distinctive characteristics which Luther describes by saying: "We have the jus verbi, but not the executio. We should preach the Word, but the consequences must be left to God's own good pleasure"<sup>6</sup>. Summing up this point on eschatology the following quotation suggests itself: "It is the duty of the Church therefore simply to let the Word work in its own time, but for Luther that means that before the last judgment the Word uses the weltliches Regiment which is entrusted by God with the power of the sword to enact a temporary judgment, but only such a temporary judgment as to preserve the status quo and make room for the free course of the Word of God"<sup>7</sup>.

5.

At this stage in our discussion we feel confident at last that an answer can be given to our previous questions about the adequacy of the doctrine of the two kingdoms in providing a basis for Christian social ethics. We said in an earlier context that we had grave doubts about this issue, and by now we find these doubts conclusively confirmed. In its original form - not to

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1 It is easy to see how in the light of this eschatological perspective the orders will emerge as "Schöpfungsordnungen", cf. P. Althaus.

2 T.F. Torrance, op. cit., p. 19.

3 Ibid, p. 32.

4 T.F. Torrance, Eschatology, p. 45.

5 Ibid, p. 46.

6 Quoted by T.F. Torrance, ibid, p. 47.

7 Ibid, p. 48.



mention later versions of *Zwei-Reiche-Lehre* - the two kingdom doctrine presents a reading of the relationship between *iustitia civilis* and *iustitia christiana* which to our mind is unsatisfactory. The manifold criticism brought against this doctrine shows distinct unity in relating its shortcomings to a false rendering of the biblical witness to God's encounter with the world in and through His Son, and it is also against this witness that the particular question of Christian social ethics, viz. the relation between *iustitia christiana* and *iustitia civilis*, must be considered. There should not be any need to recapitulate what already has been said on this issue, but in nuce we can say that there has gradually emerged a distinct discrepancy between the reading of the two kingdom doctrine of our question and the reading which has been found to be congenial to the New Testament confession of Jesus as the Lord. In this confession there converge the various points which have not been found truly represented by the two kingdom doctrine. Christology, soteriology, and eschatology, all being aspects of the Faith to which the doctrine of the two kingdoms does not render full justice, ultimately unite in the confession "Jesus Christ is Lord" (Phil. 2:11).

In search for an alternative, therefore, to the two kingdom doctrine as the basis for Christian social ethics it does not seem unfounded to make this confession of the Lordship of Jesus Christ the fresh starting point. This in fact is being done by several thinkers who find themselves engaged with Christian socio-ethical questions, e.g. Ernst Wolf, H. Gollwitzer, W. Schweitzer, et. al. Several Lutheran theologians have come to realize that a definite change in emphasis is called for when translating Luther's social ethical teaching into the spiritual and social situation of the twentieth century. For Luther and his age God's sovereignty over the world was a matter of necessity. However boldly he might claim the secular nature of



the social order, the state, the family, etc., any questioning of the sovereignty of God was inconceivable. Between Luther and us, however, there has come the process of secularisation and this historical fact makes our situation altogether different. Bishop E. Berggrav wrote in 1945: "Time has come to affirm that for Luther as it is for ourselves there is only one regiment, i.e. God's regiment ... We have but one Lord and there is only one obedience"<sup>1</sup>. Striking a similar note Dr. H.-H. Schrey writes: "To insist, as Luther did, on the profane character of the worldly state and its worldly law may lead very easily to this, or to some other, completely secularised version of human justice. In Luther's own thought there was no danger of this happening because he was so seriously aware of the sovereign righteousness of God impinging upon the world..."<sup>2</sup>. Finally, a Lutheran voice from across the Atlantic: "In attempting to translate Luther's theology into the twentieth century, we must never forget to shift the ethical accent, since his chief enemy was clericalism, whereas ours is secularism"<sup>3</sup>.

It is the conviction of the present writer that the shift in the "ethical accent" thus called for will only become effective if we accept the Lordship of Jesus Christ as the foundation. First then are we likely to come to a satisfactory solution of the problem posed by the relation of iustitia civilis to iustitia christiana. Before we engage ourselves with that problem, however, a note must be taken of what is involved in leaving the thinking in terms of the two kingdoms and in entering upon a christological starting point. That there are problems involved in this transition is very clear.

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- 1 Quoted by Tor Aukrust: *Man in Community, Social Ethics*, (Orig. Norwegian), Oslo 1965, p. 64.
  - 2 H.-H. Schrey, H.H. Wals, W.A. Whitehouse: *The Biblical Doctrine of Justice and Law*, London 1955, p. 159.
  - 3 W.H. Lazareth: "Luther's 'Two Kingdoms' Ethic Reconsidered", in J.C. Bennet (ed.), *Christian Social Ethics in a Changing World*, New York/London, 1966, p. 130.

Thus we now can hear voices who claim that violence is being done to the nature of the New Testament message, just as was the case among the critics of the doctrine of the two kingdoms. The New Testament it is claimed, ever so rightly, does not present us with a social program, nor should its socio-ethical content be understood in terms of time-less, eternally valid norms, cf. the following remark: "We are, more than ever, conscious that we cannot 'read off' laws from the Bible, because our society is so different from the communities of the Old and New Testaments"<sup>1</sup>. The interest of the New Testament message (kerygma) lies blatantly elsewhere than in the ordering of society and not to recognize this fact is simply a sign of poor scholarship<sup>2</sup>. It would seem therefore that by giving away the all inclusive foundation of the two kingdom doctrine and opting for a "narrow" christological basis we were subjecting ourselves to one or another type of "unreflektierter Bibli-sismus"<sup>3</sup>. There is without doubt reason to bear in mind warnings of this nature whenever an attempt is made to base Christian social ethics christ-ologically. And warnings are amply given if we are to judge from the rich variety of pejorative labels which are used to mark out the christological position. Within the space of two pages one writer has managed to draw up and identify the following list: "crisocratic" ethic, "crisological mon-ism", "christological" universalism, "crisocratic" clericalism<sup>4</sup>. But as against warnings of this kind there only seems to be all the more urgent reason for presenting the christological universalism (sic!) and find out post eventum how "narrow" a basis for Christian social ethics this proves to be. This shall now be our immediate task.

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1 Bruce Reed; "Biblical Social Ethics: An Evangelical View", in J.C. Bennet (ed.), op. cit., p. 106.

2 On this subject see G. Hillerdal: Kirche und Sozialethik, Gütersloh 1963.

3 G. Hillerdal, op. cit., p. 22.

4 W.H. Lasareth, op. cit., p. 120-121.



6.

"Where the righteousness of God revealed in Jesus Christ is accepted by man in faith, we may expect to find a new ground for understanding the place of law and justice in all civil society"<sup>1</sup>.

What is involved when one decides to take one's bearings in matters of Christian social ethics from the confession of the Lordship of Jesus Christ?

The first decisive point to be noted is that here we are not operating with some sort of a magic formula which gathers in itself the many factors involved and goes on to suggest a neat solution. In fact it is not true at all to say that we are operating with anything, because it is precisely the reverse that happens. Someone is operating with ourselves. That this is so is given by the fact that here is not a formula at our disposal but a confession we make to someone who questions us. This someone is the Lord Jesus Christ. Our confession of his Lordship is the answer we give to his prior question to us, "Who do you say I am?" (Mk. 8:29). Now it is of the most far-reaching importance to see what is involved here, when from this confession we make our start in our socio-ethical inquiry. By confessing Jesus Christ as our Lord we are confessing at the same time the total depravity of our sinful nature. "Depart from me, for I am a sinful man, O Lord" (Lk. 5:8). In following Him, therefore, we can only do so by leaving behind our previous way of life which now stands revealed as one of autonomous self-assertion and blindness to the will of God. His Lordship over us means that we deny ourselves, take up our cross, and follow Him (Mk. 8:34). He has thus become our Lord and Master, we are no longer autonomous but Christonomous, and we must therefore be prepared to let our will and mind, the totality of our being, be led and directed by Him. This goes also for

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1 H.-H. Schrey, et. al., op. cit., p. 115.



our intellectual activity, and supremely for our inquiry about the will of God. "Jesus Christ in whom alone there is perfect communication between God and man and man and God is constituted the centre of reference for all our inquiry of God, for he is the Way, the Truth, and the Life, and there is no road to the Father except through him"<sup>1</sup>. This essential recognition of Jesus Christ as the "centre of reference" may or may not be found as posing problems for the exposition of the basic doctrines of the Christian faith, but it very definitely becomes a strenuous discipline when the task is to establish the basis for Christian social ethics on its ground alone. That this is so refers to what we said earlier about the relation of theology to sociology. We mentioned in that earlier context that there is always this temptation for Christian social ethics, to opt for a mutually agreeable solution of its problem by leaving it to the social sciences to predicate how things are and restricting the theology contribution to proclaiming how things should be. But this is precisely the temptation we must overcome if we want to experience what it means to confess Jesus as the Lord also in our Christian socio-ethical inquiry. When we are questioned by the Lord, who is the Truth, we are left with no possible hiding place where we could still remain in control, unquestioned. And this includes the bewildering jungle of "Eigengesetzlichkeiten" which marks out the pluralistic society of this twentieth century. Even in this jungle our present Adam is asked "Where art thou?" (Gen. 3:9). - By confessing the Lordship of Jesus Christ we commit ourselves to be led by Him into all the truth (Jn. 16:13). Thus committed we can no longer let our thinking be directed by our own ways of reasoning, by our preconceived ideas about how things are. We must learn to see how things are in the Truth, by "questioning in Christ", and once we

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1 T.F. Torrance: "Questioning in Christ", in, *Theology in Reconstruction*, London 1965, p. 127 (Italics ours).

have so learned we shall be able to say how they should be. Through this process of learning, however, we must constantly bear in mind that as justified sinners we shall easily lapse into the bondage of our preconceptions and prior decisions. It is a learning, therefore, that in no difference from the Christian life in general can only take place in repentance.

Once this first decisive step has been taken, viz. in the choosing of us by Jesus Christ (Jn. 15:16), our further questioning about the relation of our faith to the world is directed by the steps already taken by our Lord. From the vantage point of his Resurrection, from the proclamation of his Lordship over heaven and earth (Mt. 28:18), we look back, as did his apostles, over the whole course of the gospel events. We must, however, for the sake of brevity limit our scope to a few decisive steps which in fact gather up in themselves the very substance of these events. These steps suggest themselves immediately as being the incarnation, the crucifixion, and the resurrection.

a. Incarnation. Taking our stand by the incarnation we are led to proclaim that God so loved the world that He gave His only Son, taking the form of a servant, being born in the likeness of men, in order that the world might be saved by him. (Jn. 3:16; Phil. 2:6 f.). By entering the world he came to his own. The Word became flesh (Jn. 1:14). This message reveals that in this man, Jesus from Nazareth, the divine logos assumed humanity in all its reality. "In Jesus von Nazareth, der ein Mensch war, ein Mensch dieser Welt, ein Mensch, der geboren wurde, wie Menschen in dieser Welt geboren werden, ein Mensch der arbeitete und feierte, der ass und trank, und der in alledem den institutionellen Strukturen menschlicher Vergesellschaftung verhaftet war, wie wir ihnen verhaftet sind. In diese Welt ist Gott durch



Jesus Christus eingegangen<sup>1</sup>. In total identification with the lot of man in his world this one man lived in perfect obedience to the Word of God, thereby revealing the true humanity of man under the conditions of sinful flesh. It is this man, who, having assumed our corrupt human nature in its totality, proceeded to condemn sin in the flesh, was crucified, and raised from the dead in the unity of his body and soul, ascended to heaven, and sits at the right hand of God, above every name which can be named in heaven or on earth. - The incarnation bears witness to the inseparable unity of God and the world in the Person of Jesus Christ who is true God and true Man. Once this affirmation has been made it becomes possible only at the cost of a gross abstraction to think in terms of two spheres, if by such a dichotomy we set us the task to divide the world into one divine sphere and another profane. In the words of D. Bonhoeffer, "... the whole reality of the world is already drawn in into Christ and bound together in Him ...<sup>2</sup> Whoever sees Jesus Christ does indeed see God and the world in one. He can henceforward no longer see God without the world or the world without God"<sup>3</sup>. For the purposes of our immediate inquiry we are led to see that the Lordship of Jesus Christ confronts us with a total claim which does not leave out a single corner of our existence unclaimed for obedience to the Father. The incarnation tells us that wherever we try to establish immunity from the authority of his Lordship this will be futile, because the Lord has already been there and 'earmarked' it for his redemptive purpose. Inversely, the total claim of our Lord relativises all such claims for totality as the world may present to us in any of its multitude of faces. This fact of relativisation goes for all the social orders, family, work, economy, government, as well as for

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1 A. Rich; Christliche Existenz in der industriellen Welt, Zurich/Stuttgart 1964, p. 164 (Italics ours).

2 D. Bonhoeffer; Ethics, E.T. London 1963, p. 198.

3 Op. cit., p. 70.



ideologies, beliefs, morals. Whenever one of these or any one conglomeration of these makes an appeal for an absolute claim apart from Christ, extra Christum, the confession of his Lordship recognizes in this appeal a relativisation of Christ and therefore the very rejection of his Lordship.

When we have thus come to recognize the total claim that belongs to the substance of the Lordship of Jesus Christ, we are at the same time reminded of the unique way in which this claim confronts us. Taking the form of a servant he humbled himself and became obedient unto death, even death on a cross (Phil. 2:6 ff) ... For you know the grace of our Lord Jesus Christ, that though he was rich, yet for your sake he became poor, so that by his poverty you might become rich (2 Cor. 8:9). His is a Lordship of a King who "identifies himself with the hungry, the thirsty, the stranger, the naked, the sick and the prisoners"<sup>1</sup>. The implications of this via crucis for a social ethic which has set itself to serve the Lord along this road will appear to be of the utmost significance.

The witness of the incarnation to the total nature of the claim which Jesus Christ makes upon the world is founded on the confession that He is the eternal logos of God, "the image of the invisible God, the first born of all creation; for in him all things were created, in heaven and on earth, visible and invisible, whether thrones, or dominions, or principalities, or authorities - all things were created through him and for him, ... and in him all things hold together" (Col. 1:15 ff; Jn. 1:3; Hebr. 1:2). Any limitation of his Lordship over against the world becomes utterly inconceivable in face of this testimony. However, at the very heart of the incarnation there lies the truth about a world which has chosen the utterly inconceivable. This truth directs us to the next step, the crucifixion.

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1 H.-H. Schrey, et. al., op. cit., p. 72.

b. Crucifixion. If by considering the incarnation we were given to see the profound unity of God and the world in Jesus Christ our vision is all but cancelled as we now take our stand under the Cross. Because there on the Cross we see the ultimate ground and only bearer of this unity being thrust out of this world in a concentrated attack by the very rulers of the world (1 Cor. 2:8). Here stands revealed in its most desperate form the utter self-contradiction of the world. Being loved by God who is its Creator the world cuts its own lifeline by rejecting the One who comes to be the Light and the Life of the world. This is the judgment of the world as it forcefully tears itself apart from its Lord, not knowing that in so doing it is condemning itself to total darkness, disorder, and vanity. And, as in the incarnation the love of God to the world embraced the totality of its structures, man and his world, so also in the crucifixion it is the same man-in-the-world totality which concentrates behind that fierce act of disruption. Jesus was utterly alone on the Cross. - The crucifixion is accordingly the bar where the total "manner of this world" is questioned by the Lord down to the very roots of its being. Here it is finally revealed that His Kingship is not of this world (Jn. 18:36). The lesson we learned through the incarnation about the basic relativity of all social orders is accordingly driven home by the crucifixion, but in such a negative fashion that we can now see no other destiny for them than futility in their own self-contradiction. This lesson warns us in our socio-ethical thinking not to expect the world to behave in any different manner from what it has already done when it crucified the Lord. We are indeed reminded "... dass die Welt immer als die Welt gesehen werden muss, in der Christus leidet..."<sup>1</sup>.

- Under the Cross the Sin of the world stands revealed as being the very

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1 H.-D. Wendland: Die Kirche in der Modernen Gesellschaft, Hamburg, 1958, p. 76.



self-contradiction of the world in its rejection of its ground of being in Jesus Christ as the Lord. The world sins by tearing itself apart from its Creator and Redeemer, thereby making absolute claims for itself. By rejecting the Lord the world makes itself its own lord, the lord of its ways, its truths, and the lord of its destiny. But as it utterly contradicts itself in making its claim for an absolute autonomy the world is revealed at the Cross as being desperately enslaved to powers which take on demonic structure in their concentrated attack against the Lord of life. This demonic structure has been fittingly described as "die Dämonie des Ich-suchenden Lebens"<sup>1</sup>, as it is precisely the turning of the world into itself in self-assertive autonomy that constitutes its sin, and eo ipso its heteronomy. The crucifixion, we should note, does not allow us to single out either man or his world as the seat of sin, because these appear as two only through an abstraction. Rather, it is the man-in-the-world who receives his judgment on the Cross. Crucified "under Pontius Pilate" shows us the unity and collaboration of institution and individual in producing the ultimate evil.

The crucifixion is not a final word, however. It is intimately related to both the incarnation and the resurrection. In isolation we are bound to draw false conclusions about the lesson the crucifixion offers us in our search for the basis of Christian social ethics. This lesson must now be modified and reconstituted through the witness of the resurrection.

c. Resurrection. The message of the resurrection is that of victory. The Lord is risen and He delivers to us in his own person the triumphant message, "All authority in heaven and on earth has been given to me" (Mt. 28:18). We are now made to see that the Love of God for his own would never let the

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1 Cf. H. van Oyen: Botschaft und Gebot, Gütersloh, 1962.



world remain in its self-contradiction, but that this Love, even in and through the very moment when this contradiction had reached its absolute finality, has taken into itself the curse of the contradiction in order that it might issue forth in the ultimate blessing for the world. Thus the self-contradiction of the world has been set aside by God, nailing it to the Cross (Col. 2:14). The mystery of the Cross confronts us as the victory of our Lord over the powers of sin, which have held the world captive, the last enemy to be destroyed being death (1 Cor. 15:24 ff; Col. 2:15). The self-contradiction of the world thus overcome we are given the freedom to confess that indeed "God was in Christ reconciling the world to himself" (2 Cor. 5:19). The Lordship of Jesus Christ is then inseparable from the reconciliation of the world with its ground of being. At the same time the world becomes reconciled to itself as its self-contradiction has been overcome. This event of bringing the world back to its proper course is God's operation from beginning to end. The world itself has no part in it other than to resist it from beginning to end. The fact of reconciliation of the world to God can therefore only be described in terms of a New Creation, "the old has passed away, the new has come" (2 Cor. 5:17). Christ the Lord is the New Adam, the beginning of a new humanity, "the first-born among many brethren" (Rom. 8:29). Again we must note that there is no setting apart of man from his world; the New Man lives out his new humanity within the New Creation.

- The proclamation of the appearance of a New Creation within the context of the old which is passing away introduces the eschatological perspective. The Kingdom of God has drawn near, its power is already at work in casting out the demons which hold the world enslaved, and the last enemy has already been slain by the one who is the Stronger. But this has happened so that

the 'house' may now be 'plundered' (Lk. 2:27), i.e. in order that the world may be told about the victory over its enemy and may come to recognize its Lord and Saviour. From the vantage point of the resurrection we are accordingly made to realize that there is both an "already" and a "not yet" in our 'allotted time'<sup>1</sup> under the Lordship of the Risen Lord, that because of the "already" we must engage ourselves with the "not yet". "Go therefore and make disciples of all nations, baptizing them ... teaching them ..." (Mt. 28: 19 f). The Lordship of this King is of a unique nature; it does not come by force, but issues in the identification of the Son of Man with the hungry, the thirsty, the sick, the least among the brethren. "The "day of the Son of Man" is therefore the day when justice is done to the entire community whose lot he has taken upon himself"<sup>2</sup>. - The "allotted time" between the resurrection of our Lord and his return in glory is the unique time of the double existence of the Church and the world. This particular setting in time is of the greatest significance to our understanding of the one as of the other and of their mutual relationship. Let us first consider the Church.

The Church is the embodiment of the Lordship of Christ within history. It is the Body of which He, the Lord, is the Head. The Risen Lord gave his promise to be with his own to the end of the ages and this promise He fulfilled by incorporating his Spirit into the community of believers, wherever two or three come together in his Name. As it is his Body the Church can take no other course than to follow its Lord and heed his Command to feed his sheep (Jn. 21:17). It has become the instrument through which the ministry of reconciliation is carried out to the world and in the world. The Church will therefore love the world, but in the same manner as its Lord loves it,

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1 Cf. K. Barth; Church Dogmatics, III, 2, pp. 553 ff.

2 H.-H. Schrey, et. al., op. cit., p. 72.



by not being of the world. The Church proclaims that the world has been set free from the bondage of its self-contradiction and inasmuch as it lives out this freedom in the midst of the world the Church becomes a living witness to the historical reality of the reconciliation which has been wrought for the world. The Church shall accordingly be the light of the world, not any light, but the light, a city set on a hill (Mt. 5:14). This implies that there still is darkness in the world which warns us not to be forgetful of the crucifixion, but all the more reason do we have to wonder at the presence of the light. The Church does not replace the world, it does not seek to change the world into a "church", nor does it want itself to become a "world". There is not an 'either-or' relationship between the two, but rather that peculiar 'both-and' relationship of the Church being the "salt of the earth".

The world now takes on an altogether different meaning as belonging to the New Creation. It has been made whole and exalted through the bodily resurrection of its Redeemer, who assumed into his flesh the old world in order to overcome its self-contradiction on the Cross. It still remains a world, it still remains a creation, but it is a new creation in that it does not contradict its creatureliness inasmuch as it recognizes the Lord as its Creator. As we come to realise this new truth about the world we are asked to reconsider our previous findings about the status and the function of the social orders. Under the Cross we saw these orders questioned to the very ground of their existence as they formed an inseparable part of the world which rejected the Lord. Now on the other hand we find these same orders again forming an inseparable part of the world which has been reconciled to God. They have accordingly been given a truthful status within God's plan



of salvation for the whole of creation. They still remain orders of creation ("Schöpfungsordnungen"), but orders of the new creation. We cannot therefore any longer seek out their meaning and purpose in their inter-relatedness to the old creation ("Schöpfungsordnungen" in the usual sense of the term), nor to the Noachian covenant (Gen. 9 "Not-Ordnungen"), but rather we must now see that their "causa originalis" as well as their "causa finalis" is intimately linked with God's plan of salvation for mankind. Their only legitimate basis is thereby established to be their status as "Heilsordnungen" or "Erlösungsordnungen", not to be forgotten, however, that this status does not remove them from the level of creation. Putting a label on an object does not alter its reality, of course, but a label may take on great significance when used to indicate the proper centre of reference for the object. Thus by labelling the social orders as "Erlösungsordnungen" we are affirming that they have been 'earmarked' by our Lord for a lawful place within the scheme of salvation. What is further involved in this affirmation shall be our concern in outlining the form Christian social ethics can take once its ground has been established.

We think the right moment has now come to take our bearings again and ascertain where our confession of the Lordship of Jesus Christ has taken us in the search for a basis of Christian social ethics. We shall be helped in this orientation if we relate our findings to a significant statement in the book published by the World Council of Churches on "The Biblical Doctrine of Justice and Law". In expounding this doctrine the following conclusion is offered: "We have therefore to find a new point from which may be seen once again the relation of law and justice to the righteousness of God. And ... we shall discover that this point of vision is one where we

must reckon with the eschatological limits set to earthly existence by the gospel events as well as with the historical continuity of that existence which is the primary interest of law<sup>1</sup>. Our "point of vision" has been the Lordship of Jesus Christ and there is no doubt in our mind that this point fulfils the requirements set by the statement above. In its unity of christological, soteriological, and eschatological implications the Lordship of Christ has led us to affirm the total nature of its claim over the whole of creation thereby setting an absolute limit to any other claim. It has further revealed the fundamental question mark set by the Cross over earthly existence and its law. And finally, the Lordship of Christ has opened our eyes for the restitution of law to its authentic, creaturely existence within the New Creation. Quite decisively we may say that our "point of vision" does "reckon with the eschatological limits set to earthly existence ... as well as with the historical continuity of that existence". Unashamedly, also, this point has given us the freedom to proclaim the "christological universalism" without limits.

Having come to these conclusions we must now pay further attention to in what way they circumscribe our particular problem about the relation of iustitia christiana to iustitia civilis. Again for the purposes of systematization and clarification we seek an outside help and this time in an essay written by G. Ebeling on "The Necessity of the Doctrine of the Two Kingdoms"<sup>2</sup>. Ebeling speaks in terms of regnum Christi and regnum mundi, i.e. the Lordship of Christ and the world. His starting point is regnum Christi as "it is not the distinction of the two kingdoms as such that is the characteristic feature of the two kingdom doctrine ...", but, "it depends whether the two

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1 H.-H. Schrey, et. al., op. cit., p. 163.

2 G. Ebeling: Word and Faith, E.T. 1963, pp. 386 ff.



kingdoms are distinguished secundum fidem", faith that is "... taken strictly as fides Christi"<sup>1</sup>. Regnum Christi, however, cannot be spoken of in isolation from regnum mundi, "for the necessity of the regnum Christi is its engaging with the godlessness of the regnum mundi"<sup>2</sup>. Regnum mundi comes to the fore as "the whole of reality in all its diversity ... extra Christum, and that means extra fidem ... Here nothing in the vast range of its possibilities can be excepted in principle: all the filth and all the beauty of the world, all its foolishness and all its wisdom, all evil and all good, is the counterpart with which the regnum Christi has to do. The kingdom of Christ comes upon all these things, does not pass them by but rather engages with them."<sup>3</sup> We note here the 'vast range' of the "christological universalism". How then are the two kingdoms related to each other? This is the most important question for our immediate purposes. There is according to Ebeling a double relationship between the two, one of disagreement ("widersprechung") and another of agreement ("Entsprechung"). The former is revealed as the cancelling out of each other such as is expressed by St. Paul in 2 Cor. 6:14 ff. "What fellowship hath righteousness with unrighteousness? and what communion hath light with darkness?", etc. But, "there is just as little doubt on the other hand that the regnum mundi and regnum Christi stand not only in a relationship of disagreement with each other, but also in a relationship of agreement, and thus in an antithesis in which the one does not by any means cancel out the other, but in fact even asserts it"<sup>4</sup>. Now Ebeling is careful to point out under what conditions this relationship of agreement may arise, cf. the following: "And although the doctrine of the two orders allows relative justice to the ordinances of the world, yet it is

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1 Op. cit., p. 400.

2 Ibid, p. 390.

3 Ibid, p. 393.

4 Ibid, p. 396 (Italics ours).



by no means related independently to creation and providence, but solely in connexion with soteriology, and therefore also with eschatology ..."<sup>1</sup>.

That there must be a soteriological connexion is borne out by the fact that regnum mundi is taken to be in a contradiction with itself. And the self-contradiction is rightly grasped as "a contradiction between the creatureliness of the world and the autocratic behaviour of a world that denies its being created ... The creature which denies the Creator, thereby denies itself, although - indeed precisely because, it is concerned to assert itself against God"<sup>2</sup>. Therefore, "... the relation of agreement between regnum mundi and regnum Christi is the dawning of agreement between creature and Creator"<sup>3</sup>... For the regnum Christi is indeed nothing else but the proclamation of the fact that the time of the self-contradiction of the regnum mundi has come to an end"<sup>4</sup>. The engagement of the regnum Christi with regnum mundi "turns the kingdom of the world back again into mere world, world as creation"<sup>5</sup>.

There should not be any need for us to explain why we have found it opportune to quote G. Ebeling so extensively at this point. Here we find in a concise form some of the basic conclusions which we also are led to draw from our christological inquiry. In particular we would like to refer to the double relationship of "Widersprechung" and "Entsprechung" which sums up what we said about the Lordship of Jesus Christ and the world. The relationship of "Entsprechung", we note with much appreciation, is presented strictly within the soteriological and eschatological context which corresponds with our setting of the reconstituted world within the New Creation. Further we stress that the relationship of "Entsprechung", i.e. reconciliation of the

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1 Ibid, p. 398 (Italics ours).

2 Ibid, p. 398-399 (Italics ours).

3 Ibid, p. 399.

4 Ibid, p. 401.

5 Ibid, p. 401.

world, is presented as being an integral part of regnum Christi. There is no question here of making the message of the Lordship of Christ, now understood in abstracto, sound relevant, nor is there a question of application such as would be called for if on one hand there was the "Lordship of Christ" and on the other the world. Abstractions of this nature can be made only extra Christum and therefore, by definition, under the conditions of "Widersprechung" where, again by definition, application is utterly inconceivable. Finally, we draw attention to what Ebeling says about the status of the world in its relationship of agreement with regnum Christi. It is a world which has been set free from its self-contradiction; it is not regnum mundi any more, but simply mundus, creation. Again this corresponds to what we have said about the status of the world in the New Creation. It remains a world, a creation, nothing more and nothing less. This is the dignity of the world, willed by God the Creator.

We still have not touched upon the problem of the relation between iustitia christiana and iustitia civilis within the present context, that is to say we have not done so directly. But it has always been at the back of our mind and indirectly the basic ingredients of this problem have already been sorted out. That this is so becomes immediately clear once we realize that the two types of iustitia refer to the two kingdoms. We receive accordingly exactly the same picture of "Widersprechung" and "Entsprechung", but now in terms of the two types of iustitia. There is the relationship of exclusiveness, cf. 2 Cor. 6:14 ff.; Rom. 1:17-18, where a perverted iustitia civilis is revealed as unrighteousness. And there is the relationship of agreement which, as now should be strongly emphasized, materializes whenever and wherever iustitia christiana engages with iustitia civilis in its per-



verted form. There is never a iustitia christiana which does not issue in a iustitia civilis, nor is there a iustitia civilis which does not owe its "genus iustitiae" to the liberating effects of iustitia christiana. That there is an engagement of iustitia christiana with iustitia civilis in its self-contradictory form points to the essential dynamic nature of the relationship. Iustitia civilis issues forth as the iustitia christiana encounters the world. The emphasis is on action. Actio Dei - responsio hominum, the drawing near of the Kingdom of God. Further it must be carefully noted that the relationship of "Entsprechung" does not in any sense deify, or christianize, the iustitia civilis, because it is precisely as a iustitia civilis that it receives its proper status. It is meant to belong extra locum justificationis, as a creation, and it degenerates at the very moment it makes claims to belong anywhere else. In sup loco on the other hand iustitia civilis is a genuine righteousness. This of course is no more than was said earlier about the conditional nature of all social orders (iustitia civilis in the broad sense of the term), their essential "Vorläufigkeit", their flexibility, relativity. This is their grace, if we may say so, and it is when the orders become rigid and unmoveable, in the shape of an ideology for instance, that their self-contradiction sets in, their deauthorization, ergo their judgment. Jesus Christ himself was constantly up against rigid institutionalism; the institution of good manners (mixing with tax-collectors and sinners), the institution of wealth (the Rich Young Man), the institution of religion (the Sabbath, Caiaphas), the institution of law (Pontius Pilate), the institution of custom ("Crucify him" - "the governor's custom to release one prisoner ..."). His own words about rendering to Caesar the things that are Caesar's and to God the things that are God's



(Mk. 12:17) spell not the sanctification of Caesar's absolute autonomy, nor do they rob Caesar of his autonomy altogether, but they establish Caesar's true autonomy in his rendering to God the things that are God's. This of course is exactly the kind of relationship between iustitia christiana and iustitia civilis that we have been describing. It is not a relationship which introduces some purportedly "Christian" orders, nor for that matter a "Christian" society. Whenever this is thought to be the case there is set in motion the absolutization of what in essence is relative, thereby counting for iustitia christiana what is its exact opposite, viz. perverted iustitia civilis. But it is a relationship which introduces a just<sup>1</sup> society, a society which does not contradict itself.

7.

We have now reached a point of central importance in our present discussion. In our search for a basis of Christian social ethics our confession of the Lordship of Jesus Christ has led to a basic formulation of the relationship between iustitia civilis and iustitia christiana, but this relationship in general must be the primary concern of any Christian social ethics worth its name. The fundamental issue in our formulation is that it establishes an integral, organic, and therefore a dynamic relationship between the two types of iustitia. This gives the formulation its immense value to Christian social ethics, exactly at the point where it tends to be insecure and in two minds, viz. at the meeting-point between the "Christian" and the "social". By accepting the foundation which already has been laid Christian social ethics finds itself with a unique vision in which all things hold together.

But there is no halt at this vision. The disciples were not asked to

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1 Cf. the Hebrew root meaning of "just" as implying self-consistency. See E. Jacob: Theology of the Old Testament, E.T., London 1958, p. 94.

sit down and contemplate the visio beata of their Risen Lord, but were sent away with a mission to the world. This is where iustitia civilis starts to issue forth as now the proclamation of the acceptable year of the Lord is made. It is with this "issuing forth" of the iustitia civilis that we must now concern ourselves. In so doing we enter the sphere which often is taken to constitute the primary concern of Christian social ethics, the practical sphere of decisions and actions.

We begin by emphasising the dynamic nature of the iustitia civilis which is characterised by describing it as an "issuing forth". This is no accidental feature of it but its very nerve as a iustitia. The question of justice is not one of deciding who our neighbour is in some static terms, but whether we become the neighbour to the man who fell into the hands of the robbers. There on the Jericho road was an "issuing forth" of iustitia civilis in all its dynamic concreteness. But what is it that lies behind this difference in reading the signs of the times, that while one man can ask "who is my neighbour"? another becomes a neighbour to his brethren? The key concept here is that of freedom. The Lordship of Jesus Christ is a "Befreiende Herrschaft"<sup>1</sup>, it is the liberating power of Him who has overcome the self-contradiction of man and his world. When this self-contradiction is rightly grasped as "die Dämonie des Ich-suchenden Lebens"<sup>2</sup> its overcoming means being set free from self-assertive egocentricism. If we may be allowed to alter van Oyen's apt description of perverted iustitia civilis we can say in contrast that iustitia christiana is precisely die Freiheit des Du-suchenden Lebens! This is the point we raised earlier when we quoted H.-H. Schrey as saying that the important feature of the interpretation

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1 Cf. Hans-Gernot Jung: Befreiende Herrschaft, Die politische Verkündigung der Herrschaft Christi, München 1965.

2 Cf. H. van Oyen, op. cit.



"which Jesus puts upon his own cosmic significance is that he identifies himself with the hungry, the thirsty, the stranger, the naked, the sick and the prisoners".<sup>1</sup> This is the essential link between the theoretical (the vision) and the practical (the mission), that the freedom is a freedom in concern, in commitment, in communication, in comunity, in involvement, in identification<sup>2</sup>. Or we could as well have said that it is the iustitia christiana which establishes the link, because this iustitia is the Love of God incarnate. As the freedom of the Love of God it is no longer the perverted "freedom" of autonomous self-assertion, but die Freiheit des Du-suchenden Lebens.

How does this freedom, which we may distinguish as freedom in responsibility to God and to the brethren, affect the social orders? We have already made some rather sweeping statements about the status of the orders and their relation to the Lordship of Christ and eo ipso to iustitia christiana. On the one hand we have said that the orders had been given a new status within the New Creation, but on the other hand we have said that there are no "Christian" social orders as such. These are not contradictory statements as might seem at a first look, but they are complementary to one another. That this is so springs from the fact that the first statement refers to the belief that the social orders have been affected by the Love of God, whereas the second statement hints at how they have been affected. These two aspects shall now be brought together.

The freedom in responsibility which is granted to us under the Lordship of Jesus Christ issues in a total concern for our brethren. It must now be seen as a part of this total concern that the social orders can no longer be regarded as absolutes, as an end in themselves, because this by itself sets

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1 H.-H. Schrey, op. cit., p. 72 (Italics ours).

2 Cf. J. McIntyre; On the Love of God, London 1962.



limits to God's involvement with man in the totality of his existence. That the orders have been affected by the Love of God explains how they have been affected. Freed as we are from investing the orders with ultimate meaning, the orders themselves become free for our living with them and our living in them, but also for our critical engagement with them. The relativity of the orders means that they have become relative to a purpose outside themselves, and this purpose we know to be the salvation of mankind through Jesus Christ. If we say therefore that the orders are there in order to serve man and not vice versa, this man is by no means any man, but real man, man as willed by God. In other words the telos of the social orders now stands revealed as that of helping man, any man, to be real man. Real man is the man who has been given freedom to live in responsibility to God and to his brethren.

This anthropological affirmation must now be established as the norm against which Christian social ethics views all social orders. A total concern for our brethren, that they may become and live as real men, cannot possibly be less concerned or not concerned at all about the social structure in and through which the brethren are called to live as real men. Rather, there is bound to be a continuous questioning of all social orders involved in this total concern, which is but another way of expressing the integral relation of iustitia christiana to iustitia civilis. The orders are questioned, that is, whether they are functioning according to their telos, and whenever they are found to be at fault in this respect there can be no rest for an ultimate concern until it has tried its best to correct it. This may sound utopian, but it is not when we realize that it is not the Kingdom of God that issues forth from the questioning, but simply iustitia civilis. The very fact of questioning points to the fact that there is

something to be questioned, and the call for an unceasing questioning speaks for itself about the continuous questionable nature of historical existence. But the inbreaking of the new age into the old is also witnessed by the fact of questioning, for as we have seen it is through the questioning that man in his world is called out of his self-contradiction and thus saved. Christian social ethics owes its existence, as it were, to this appearance in history of questioning, and it is no more optimistic nor pessimistic than is the questioning itself.

The engagement of the iustitia christiana with the social orders has been described as "schöpferische Nachfolge"<sup>1</sup>, creative discipleship. The coupling of these particular terms is significant. That the Christian socio-ethical concern is described as "Nachfolge" confirms that this concern is not a secondary aspect of the Christian faith but an integral part of it. That it is said to be a "schöpferische Nachfolge" points to the creative freedom which this concern has been given through its rooting in the New Creation.

How does this creative freedom operate? We have described it as a questioning of the social orders, but what can we say more about it? H. Thielicke points certainly to one important aspect when he writes: "Es gibt eben so etwas wie einen soziologischen Aspekt der Liebe. Dieser Aspekt lässt die Liebe als eine Bemühung erscheinen, den Nächsten nicht der Rauberhand der genannten Sozialapparaturen anheimfallen zu lassen"<sup>2</sup>. The Love of God in its embodiment in creative concern for man in his world gives this concern freedom to take into its service the findings of non-theological disciplines. Insofar as Christian social ethics is concerned this means of course establishing a close link with the social sciences. There is no question here,

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1 Cf. Ernst Wolf: "Schöpferische Nachfolge", in F. Karrenberg and W. Schweitzer (ed.): Spannungsfelder der Evangelischen Soziallehre, Hamburg 1960, pp. 26 ff.

2 H. Thieli<sup>u</sup>cke: Theologische Ethik, III, Tübingen 1964, p. 26 (Italics ours).



as should have become quite clear by now in the course of this discussion, about a link which leaves it to the social sciences to dictate how things are, whereas theology proclaims how they should be. On the contrary it is precisely because theology in its confession of the Lordship of Jesus Christ knows how all things have become reconciled to God that it can freely move in and out of the sociological camp without fear of adulterating its message. The intellectual activities of man no less than other aspects of his life have been exalted to a new status within the New Creation, viz. to that of being creation, no more and no less, and in sup loco non-theological disciplines are given full recognition by the iustitia christiana. Once this has become clear iustitia christiana is emphatically directed to make use of these disciplines in the fullness of its proclamation and service to the world. And nowhere should this be as apparent as in the encounter of Christian social ethics with the social sciences. This encounter becomes fruitful in the manifold ways Christian social ethics operates as a creative freedom in its engagement with the social order. We shall now put forward as a proposal a few points outlining this operation.

First, as a questioning of the social orders which is a function of the co-existence in time of the new and the old age the creative freedom is realistic. As was explained above its degree of optimism and pessimism is correlative to the fact of questioning itself. It is fully aware of the demonic structure of the world extra Christum and is constantly reminded of its own lapses into this structure and its need of the forgiveness of God. But insofar as it accepts this forgiveness it exists within the boundaries of the New Creation, from which it draws both its freedom and its creativity. By definition, therefore, as a creative freedom amidst the structures of the old



it can never succumb to an attitude of defeatism for the world. This unique mode of existing in the world without drawing one's criteria of existence from the world is the sort of realism we have in mind. It is accordingly quite clear that for this point Christian social ethics owes nothing to the non-theological disciplines, but everything to its confession of the Lordship of Jesus Christ. It is indeed a christological realism.

Secondly, questioning the social orders on the basis of its christological realism the creative freedom operates with a norm. This norm is grounded in the Love of God for the world, that He "desires all men to be saved and come to the knowledge of the truth" (1 Tim. 2:4). In the service of this Love the creative freedom is directed to measure all social orders against a norm which spells out the real humanity of man in terms of freedom to live in responsibility to God and to one's brethren (cf. p. 285 supra). Once this norm has been established the freedom given to Christian social ethics through the confession of the Lordship of Christ is set to apply its creativity to the engagement with the social orders. But it needs to be emphasized that this creative engagement is rooted in its unique sort of realism and knows therefore that man is not saved through his world. This knowledge, however, is precisely the salutary point. It opens the way for creativity without utopianism. The social orders are not requested to show forth the Kingdom of God, but a sound society, iustitia civilis.

Thirdly, grounded in the realism of the Love of God and guided by its norm the creative freedom seeks to grow ever richer and richer in knowledge and insight of every kind, praying for the gift of true discrimination (Phil. 1:9). At this stage the dialogue with non-theological disciplines is called for. The creative freedom has been freed from treating the social orders

as absolutes, but at the same time it has been given freedom to treat them responsibly. It is in obedience to this responsibility that Christian social ethics seeks to "grow ever richer and richer in knowledge and insight of every kind", and this it does by listening carefully to what other disciplines have to say about its subject of special interest, man in society. The point here is that the questioning of the social order, integral to Christian social ethics, has a responsibility to be an objective questioning.

There is a double objectivity involved, and too often we stress either one aspect to the detriment of the other. The questioning, in order to be true questioning in Christ, must be objective to its ground of being, but this objectivity does not resolve it from the duty to be equally objective at the other end. In fact refusal of objectivity at this end cancels out the objectivity at the first, just as refusing to go the second mile makes no good of the first. The call for objectivity at the social level, to go the second mile, has become all the more urgent because of the immense changes that industrialized societies have undergone during the last century and a half. There can be no doubt that the task of "true discrimination", of "testing the spirits", has become vastly more difficult a task for Christian social ethics as the structure of society has grown more and more complex. The hard realities of a pluralistic, industrial society cannot be objectively questioned on the basis of an outdated social theory which places "The rich man in his castle / The poor man at his gate". This indeed would be the only objective questioning if our confession of the Lordship of Jesus Christ led us to believe that "He made them high and lowly / And ordered their estate". But this is the very opposite to our belief in the Lordship of Christ, as this belief always questions and therefore relativizes every social structure, at



any time. We are not burdened with sociological absolutes, not even with those whom we inherited from our fathers, but we are privileged to share with our Lord an unconditional concern for our brethren who find themselves engulfed by a bewildering complexity of institutions, values, ideas, morals, - a new society. The social sciences can help us to understand how this new society works, how the manifold systems of institutions intertwine, how pressures arise between conflicting interests, how social sanctions, direct and indirect, operate, etc., etc. But as we advance in knowledge and insight of every kind through the valuable instruction of the social sciences our commitment is entirely to our brethren who are called to be real men in this society, free men in responsibility to God and to their fellows. Thus it is that our questioning in Christ goes from faith to faith, from one pole of objectivity to the other.

Finally, the creative freedom under the Lordship of Jesus Christ operates with socio-ethical maxims. It is inevitable that during the course of objective questioning, bearing in mind the double objectivity involved, this questioning will become more articulate and eventually take shape in distinctive questions. Thus we have seen the emergence of the fundamental norm about real humanity. But further questioning on the basis of this norm leads on to separate sub-questions which, although remaining but an expression of the basic norm, bring the questioning closer to the point in the specific areas to which these sub-questions apply. These sub-questions we identify as maxims. What is meant here can be clarified by taking as an example the social institution of marriage. In its engagement with this institution in the form of questioning, the basic norm about the real humanity of man issues in sub-questions which only apply to this particular social



institution. One sub-question here is undoubtedly that of monogamy. Monogamy is a maxim which has become an inseparable part of the Christian socio-ethical questioning of the institution of marriage in any society.

We must say then that the maxims which Christian social ethics makes use of are inseparable from its act of questioning the social orders. Or better still, the maxims are functions of the act of questioning, they "issue forth" even as the iustitia civilis was said to issue forth through the encounter of iustitia christiana with the world. This will say that there is a correlation between the degree of ultimacy given to the act of questioning and the socio-ethical wisdom of Christian ethics. But there is more involved. As a result of the functional relationship between questioning and maxim the maxims will not only differ from one social institution to another but from one social system to another. If this spells relativity for the maxims then good and well, because they are meant to be conditional, flexible, changeable. It is when they become unconditional, making total claims as absolutes, that they themselves inevitably will be questioned by our confession of the Lordship of Jesus Christ. The maxims bear witness to the christological realism, they do not purport to be pillars of the Kingdom of God, nor do they fit into the structure of regnum diaboli, but they are signs signalling the Love of God for the world as a world, as a creation. Maxims must accordingly be under constant revision in order to test their adequacy under different social conditions and from one generation to another. This revision is itself an inseparable part of objective questioning in its twofold objectivity. - After the relativity of the maxims has thus been emphatically underlined because of their penultimate status as iustitia civilis, another no less emphatic word must be said about their historical

continuity. If we make a virtue of relativity for its own sake and not solely for the sake of the Kingdom we fall into the paradoxical heresy of making relativity unconditional, thereby demonizing it. Relativity itself has been demythologized, not by us, but by the Lordship of Jesus Christ who is the only demythologizer. - There is nothing relative about the Love of God for the world, nor is there anything relative about the world as it rests in the evil. In spite of the most consistent transformation of social structures there is still the same family of man living upon the earth and under heaven. We would expect therefore that the universal questioning of man by God, going back to the first "Where art thou, Adam?", had issued forth in certain universal sub-questions or maxims. And this indeed is so. Christian social ethics recognizes for instance universal maxims in the Ten Commandments. It does not recognize them as spelling out a universal "natural law", because such a recognition relativizes the Lordship of Jesus Christ. But it listens to the Commandments in the unique way of recognizing them as being sub-questions to the fundamental question addressed to man in the "I am the Lord, your God ...". The Ten Commandments are therefore inseparable from the objective questioning of man in his world to which Christian social ethics is committed through its confession of the Lordship of Christ. Other universal maxims are freedom, justice, equality, maxims which become demonic as soon as they are removed from their proper context as being sub-questions to the questioning of man by God in Jesus Christ. Monogamy is another universal maxim of this kind, cf. our example at the beginning of this discussion about the maxims.

We have now discussed at some length how the creative freedom given to Christian social ethics through its confession of the Lordship of Christ oper-



ates. Throughout this discussion there has been no direct mentioning of the Church. In an earlier context, however, the Church was referred to as "the instrument through which the ministry of reconciliation is carried out to the world and in the world" (supra, p. 274). Now it is of course precisely this ministry of reconciliation that has been at the centre of the discussion on the operative ways and means of the creative freedom. Only through the fact of reconciliation has it been possible at all to speak of freedom and creative freedom. The Church as the Body of Christ is the sole bearer of creative freedom in the world between the Resurrection and the Parousia. It is therefore in the Church that the questioning of the social order is carried out. We could not, then, have spoken about the Church under any one or two of the ways the creative freedom operates, because the Church itself is the creative freedom through its sharing in the gift of the Holy Spirit (*influxus capitis in membra*). The Church "preaches reconciliation, embodies it in its own members, and seeks the reconciliation of all mankind, and so lives in Christ"<sup>1</sup>. It is through the Church that the Lord has chosen to address men in his world. This is the supreme dignity of the Church but also its unique responsibility. The Church is made responsible, it is questioned itself by the Lord whether its questioning of the world spells out the fullness of the reconciliation in all its width, and breadth, and depth. - It has been our task in the foregoing discussion to seek understanding from within this fullness of how it relates to the social existence of man in his world.

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1 T.F. Torrance; "The Mission of the Church", *Scottish Journal of Theology*, Vol. 19, No. 2, 1966, p. 140.



### Conclusion

We have now come to the concluding points of our thesis. Bearing in mind the title of the work, viz. "The Lutheran Doctrine of Marriage in Modern Icelandic Society", it may look somewhat confusing that this subject has not so far been directly considered in this final section. Reasons for this were hinted at at the beginning of the final section where it was affirmed that priority must be given to the theological question of the relation between iustitia christiana and iustitia civilis. We were led, however, to take this course by our reading of this relationship with regard to the institution of marriage in modern Icelandic society. To our mind the main subject of this thesis has by no means been cast overboard in the preceding discussion. On the contrary it should have become clear by now that after having taken as a basis the confession of the Lordship of Jesus Christ we were directed to deal with our subject in this particular way. The most urgent question rising from our theological reading of the sociological analysis was to our mind on what grounds the theological approach to the institution of marriage should be made. From a theological point of view this was precisely the question which had to be given priority in order to deal at the same time objectively with the "Lutheran Doctrine of Marriage in Modern Icelandic Society". As it was revealed that the institutions of engagement and marriage were characterised by a wide separation between the spiritual and worldly kingdoms, between church and society, no objective Christian socio-ethical discussion of these institutions could possibly have succeeded without considering it as the primary task to ask whether this separation was justified on theological grounds. Moreover, as it had already been established that the Lutheran doctrine of marriage was in the closest rela-

tionship with the two kingdom doctrine it was inevitable that a responsible theological discussion about the "Lutheran Doctrine of Marriage in Modern Icelandic Society" should concern itself with the doctrine of the two kingdoms. This was all the more urgent because the separation between church and society found in our community with regard to marriage reflects the type of separation that the two kingdom doctrine has been alleged to produce.

- It is on these grounds that we have chosen to lead the theological discussion of our subject in the way we have done. We admit that some might have cause to complain that there is not much "practical, down-to-earth" socio-ethical discussion of the findings revealed by the sociological analysis. But we must insist in face of criticism of that nature that this was precisely the temptation we had to overcome. Ours was plainly the task to ask the practical (sic!) question of how things are, - only, not any more from the point of view of sociology, but how things are according to the revelation of God in Jesus Christ. And we contend that by raising this question and by striving to answer it an objective and practical attention has been given to our subject from a theological standpoint. Insofar as this has now been done we consider our present task completed. Only these words must not be understood to imply that no further objective and practical attention could or should be given to the subject on theological grounds. So far from wishing to leave behind such an impression we are fully aware that a whole new chapter opens where we must lay down our pen. This recognition is at the very centre of our findings in the final section. We are reminded, however, that there certainly is nothing matter-of-fact about this recognition. A Zwei-Reiche-Lehre represented by the P. Althaus school, to take a relevant example, could not possibly make it its own. To be able to affirm on theo-



logical grounds, with full confidence, that there must follow a chapter, followed by still more chapters, where we set our stop is in itself something of an achievement which bears directly upon the subject of this thesis. It is an achievement, we are again reminded, not of our own, but of the Lord who has broken down the wall of separation between the spiritual and the worldly, and thereby opened up an entirely new chapter in the history of man in his world.

It remains for us to indicate some of the points which would have to be considered in a chapter which takes up the issue at the point where we now leave it. True to the nature of the case these points would appear in the form of questioning.

First to be questioned on the basis of the confession of the Lordship of Jesus Christ is undoubtedly the Church. Has the Church recognized that it is intrinsic to its mission to the world and in the world that the iustitia christiana and iustitia civilis are organically related? That the Church can only at the risk of cutting its own lifeline allow the two to fall apart, thereby separating itself from the rest of society? Is the Church showing forth its creative freedom through objective questioning of the social order, or has it let itself become enslaved to this very order, swallowed up as a useful means for ceremonial purposes within the mechanism of the total social structure? Has the Church become ever richer and richer in socio-ethical wisdom through its continuous engagement with and questioning of the social order, and is this wisdom issuing forth in a more just society, in a iustitia civilis?

Secondly, the questioning would be directed to the institutions of engagement, marriage, and the family. A significant part of this questioning



has already been concluded through the sociological analysis. The demand for objective questioning calls for an analysis of this kind. There is no reason why we should not turn to the social sciences and ask them to provide us with the material we must have in this respect. But as no sociological study of marriage and the family in Icelandic society has been done as yet we have made our own strictly sociological study. This fact by itself should be taken as a witness to this particular society that the Church knows itself responsible for the social welfare of man as well as for his spiritual welfare, and that it is prepared to take the initiative in the search for social justice, justitia civilis. In other words, the fact that the Church concerns itself with matters of this nature proclaims to the society at large that it has crossed the dividing line between Church and society and thereby calls in question the autonomous self-interpretation of the social orders.

Turning to the specific findings of the social analysis about the institutions of engagement, marriage and the family we would acknowledge that our confession of the Lordship of Christ relativizes all claims for ultimacy of any one form of a social institution. Faithful to this confession we would not be ready to condemn changes that have taken place in family structure or in family function only for the sake of change itself. But equally faithful to the confession of the Lordship of Christ we would operate with a norm in our questioning of the existent forms of family organization, in questioning structural changes, trends, the influence of labour and economy upon family structure, etc. The norm has already been established as defining real humanity in terms of freedom to live in responsibility to God and to one's fellows. In our search for a just society this norm would inevitably call in question all existent forms of family organization as none of them

will be found to do full justice to the requirements set by the norm. This does not mean that therefore all should be rejected, - which would be utopianism and therefore not objective questioning, - but it does mean that a critical sorting out takes place which eventually establishes one form as by far the best qualified to meet the requirements of the norm. This is the legally circumscribed and protected institution of marriage. The other types of family organization, "the engagement family" and "the cohabitation family" are most vulnerable to the requirements of the norm in that they present gross elements of irresponsibility, especially in terms of the extremely vulnerable legal position of the woman partner and in a much lesser degree that of the children born into these family types.

Having come to these conclusions there are many points of detail which would have to be considered and such practical use could then be made of the sociological analysis. This is not the time to go further into details, but it is clear that a dialogue between the Church and the Lawgiver (the State) would be of great importance. Some of the more urgent points the Church would like to raise in this dialogue are the following: (1) The relationship between family structure and economy. (2) The social functions of the family in contemporary society. (3) The social and legal implications of the institution of engagement.

1. There can be no doubt that economy is a very significant factor in influencing forms of family structure. In a discussion with the State on efforts to enhance the legal position of marriage the Church should acknowledge such measures as the State has taken in the past with regard to marital finance, notably in terms of taxation legislation. At the same time the Church would strive to keep the issue alive and together with the State seek



out new avenues for bettering the economical position of marriage as against the non-marriage family systems.

2. In view of the various types of family systems in our society the question of the social functions of the family takes on a new importance. As the protection and the socialisation of the young is chief among these functions the Church should present the case for the marriage-family in terms of the superiority of this family as against the non-marriage systems in performing this fundamental social function. The Church would accordingly urge the State to reconsider its approach to matters of child and family welfare and to relate these matters to the existent patterns of family organisation.

3. A dialogue between Church and State on the institution of marriage in Icelandic society would have to include a major discussion about the social and legal implications of the institution of engagement. This has been amply borne out by the sociological analysis. The suggestion has been made by a leading authority on family law in Iceland that perhaps it was time to introduce legislation which would greatly increase the legal status of the institution of engagement, primarily in terms of financial rights and obligations of engaged persons<sup>1</sup>. This suggestion must be carefully considered. The Church, appreciative of the increase in mutual responsibility between those engaged which this legislation would proffer, should remind the State, however, of the possible negative effects of this legislation upon the institution of marriage. Still, this is an issue which cannot be decided upon without a painstaking consideration of the many points involved. That is why the Church should be eager to enter into a dialogue with the State on this issue. It seems clear, in fact, that no objective assessment can be

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1 Arnarn Snævarr: Op. cit., "Family Law", p. 18.



made of the problem posed to both Church and State by the different types of family organisation in Icelandic society, until a considered account has been taken of the institution of engagement.

- It is on the basis of these points that we believe that a dialogue between the Church and the State/Lawgiver would be of great importance.

It is even more clear, however, that the Church will be required to enter into a dialogue with itself and come to a recognition of what part it is playing in this particular social situation. At the same time the Church would have to face the more fundamental question about its theological standpoint with regard to the doctrine of marriage. The present study, we hope, has cleared the ground somewhat for a critical self-examination of this nature. It has presented a picture of the institution of marriage in Icelandic society within a historical and sociological framework. The historical aspect of this framework took in the Lutheran doctrine of the two kingdoms as the theological mould in which the doctrine of marriage was cast. The sociological aspect made us aware, theologically speaking, to what extent this moulding has led to a predominantly secularistic conception of marriage. Our study went on to delineate why the doctrine of the two kingdoms cannot be maintained as providing the proper context for a theological approach to the social order. The alternative was then presented as the biblical confession of the Lordship of Jesus Christ, and some implications of this confession for the structure of Christian social ethics were drawn. To the extent that we have succeeded in laying bare the necessity for the shift from a thinking in terms of the two kingdoms to the christological confession, we believe that a ground has been cleared for a much needed reconstruction of the "Lutheran Doctrine of Marriage in Modern Icelandic Society". If our study can in this way be of true assistance to the Church in its task of self-examination before the Lord, something worthwhile shall have been achieved.

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